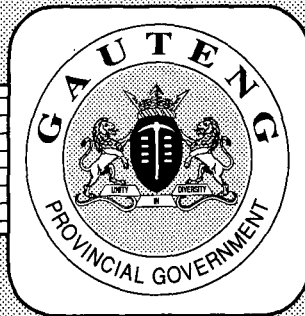


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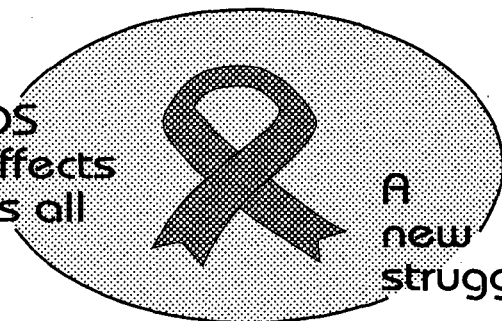
Vol. 8

PRETORIA, 13 AUGUST
AUGUSTUS 2002

No. 250

We all have the power to prevent AIDS

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affects
us all



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struggle

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GENERAL NOTICE

NOTICE 2120 OF 2002

GAUTENG PROVINCIAL LEGISLATURE

**PUBLICATION OF THE GAUTENG TRANSPORT
FRAMEWORK REVISION BILL**

Notice is hereby given that the Member of the Executive Council for Public Transport, Roads and Works intends to introduce the Gauteng Transport Framework Revision Bill, 2002 in the Legislature as published in this Extraordinary Gazette.

Any person or organization wishing to comment on this proposed Legislation may lodge written comments on or before ... 2002 by posting, faxing or handing them in at the following address:

The Secretary to the Legislature
Gauteng Provincial Legislature
C/o Committee Co-ordinator (Ms Zarina Abraham)
Private Bag X52
Johannesburg
2000

Physical Address
Gauteng Provincial Legislature
Corner President and Loveday Str
Johannesburg
Tel No: (011) 498-5548
Fax No: (011) 498-5719

B I L L

To provide a framework for integrated planning and provision of a transport system in the Province; to provide for founding agreements for transport authorities and the establishment thereof; to provide for the governance of transport authorities including the finances of such authorities; to provide for the preparation of various transport plans; to establish the Gauteng Transport Consultative Forum and the Gauteng Transport Co-ordination Committee; to provide for the repeal of the Gauteng Transport Framework Act, 1998; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of Gauteng as follows:-

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CHAPTER 1

INTRODUCTORY PROVISIONS

Definitions

1. In this Act, unless the context indicates otherwise-

"board" means the Operating Licensing Board as defined in the National Land Transport Transition Act;

"Constitution" means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

"core city" means a municipality designated under section 4 of the Urban Transport Act, 1977 (Act No. 78 of 1977), as the core city of a Metropolitan Transport Area;

"current tendered contract" means a current tendered contract as defined under the National Land Transport Transition Act;

"demonstration project" means a transport project related to the purposes of this Act, which demonstrates or tests a novel idea and which may be given a higher level of funding by a transport authority or the Department;

"Department" means the department responsible for transport affairs in the Province;

"framework" means an outline for the structure within and the form according to which a plan, policy or strategy is determined and developed;

"infrastructure" means the stock of fixed capital equipment and facilities in the transport system;

"integrated transport plan" means a plan produced by a transport or planning authority through a prescribed process and relating to the regulation, provision, use and management of transport infrastructure, operations and services;

"interim contract" means an interim contract as defined by the National Land Transport Transition Act;

"joint transport executives" means the institution established in terms of section 21;

"long distance service" means a scheduled or unscheduled public transport service operated by road, other than a service for commuting, that is provided beyond the boundary of the area covered by a transport plan, where passengers are charged fares individually;

"metropolitan transport area" means a metropolitan transport area as established in terms of section 3 of the Urban Transport Act, 1977 (Act No. 78 of 1977);

"MEC" means the Member of the Executive Council responsible for transport in the Province;

"Minister" means the Minister of Transport in the national Government;

"municipality" means any form of local government contemplated in Chapter 7 of the Constitution;

"National Land Transport Transition Act" means the National Land Transport Transition Act, 2000 (Act No. 22 of 2000);

"planning authority" means any body, which, in terms of section 26, has to prepare transport plans;

"prescribed" means prescribed by the MEC by regulation in the Provincial Gazette;

"Province" means the Province of Gauteng;

"Provincial Gazette" means the Gauteng Provincial Gazette;

"provincial land transport framework" means a provincial land transport framework contemplated in section 27;

"public transport operator" means a person or legal entity carrying on the business of operating a public transport service as defined in the National Land Transport Transition Act 2000;

"public transport service" means a service for the carriage of passengers by road or rail, whether the service is subject to a contract or not, and where the service is provided for a fare or other consideration or reward, including any service that is –

- (a) a scheduled service;

- (b) an unscheduled service; which includes a minibus taxi-type service;
- (c) a charter service;
- (d) a long-distance service;
- (e) a metered taxi service;
- (f) a rail service;
- (g) a tourist service;
- (h) a staff service,

except if clearly inappropriate, the term "**public transport**" must be interpreted accordingly;

"**subsidised service contract**" means a contract, other than an interim contract or a current tendered contract, concluded between a transport authority and a public transport operator to operate a schedule service provided for in a public transport plan and in terms of which the public transport operator, in addition to the passenger fares paid, receives financial support in terms of a tendered contract;

"**this Act**" includes regulations made thereunde;

"**transport authority**" means an authority as contemplated in section 8;

"**transport executive**" means the institution established in terms of section 21;

"**travel demand management**" means a system of actions to maximize the capacity of a transport system for the movement of people and goods through increasing vehicle occupancy, developing priority measures for public transport, encouraging travel during off-peak periods, shifting demand between modes, restricting the space available for parking, adjusting the price of parking, and other appropriate measures; and

"**unscheduled service**" means a public transport service operated by road on a particular route or, where applicable, within a particular area, without a timetable, where passengers are charged fares individually.

Relationship of this Act with the National Land Transport Transition Act, 2000.

2. This Act must be read in conjunction with the National Land Transport Transition Act.

CHAPTER 2

POWERS AND DUTIES OF THE MEC

Powers of the MEC

3. The MEC may:

- (a) finance and undertake transport research and demonstration projects;
- (b) investigate and take any action on matters which have or may have an effect on the transport system in the Province, including but not limited to-
 - (i) the movement of persons and goods in a particular area;
 - (ii) the existing and the planned transport infrastructure in a particular area;
 - (iii) integrated transport planning;
- (c) after consultation with the relevant MEC and, where necessary, the National Minister responsible, investigate and take any action on matters which have or may have an effect on the transport system in the Province, including but not limited to-
 - (i) transport development that may have an impact on the natural environment;
 - (ii) transport planning matters that are related to economic and land use planning;
 - (iii) the basis on which transport should be funded in an area;

- (d) take the necessary steps to promote co-ordination between transport authorities and other planning authorities in the province, or between such authorities and the Province, with a view to avoiding duplication of effort;
- (e) after obtaining the consent of the MEC responsible for transport in a neighbouring Province, investigate the transport characteristics of a neighbouring area that have or may have an effect on the transport system of the Province;
- (f) after consultation with transport authorities, prescribe measures for transport demand management purposes;
- (g) collect, distribute and disseminate information in connection with transport matters in the Province, including data required for the annual assessment of criteria to measure performance, reflecting the progress in implementing national and provincial policies;
- (h) develop and maintain an information and reporting system for public transport;
- (i) set maximum or minimum fares for subsidised public transport by rail, if the Minister has assigned the rail function to the Province;
- (j) by notice in the Provincial Gazette, set norms and standards in respect of matters relating to the operation of subsidised public transport services by road, and related infrastructure, to the extent that this function has been assigned to the Province;
- (k) assist planning authorities that do not have the necessary staff or capacity in the execution of the functions assigned to them under this Act;
- (l) conclude agreements with other provinces regarding the inter provincial movement of vehicles used for public passenger road transport services and related matters;

- (m) take preliminary steps before intervention occurs in terms of section 139 of the Constitution in order to ensure fulfilment of any function of a core city or transport authority, which may include requiring the core city or transport authority to report on the progress it has made in performing such functions and stipulating the proposed actions it will undertake to remedy any shortcomings which have occurred in fulfilling its functions;
- (n) where at the commencement of this Act, the Province has been undertaking planning of public transport other than of services contemplated in section 26(4) the MEC and the planning authorities concerned may make arrangements for the transfer of the planning functions to the planning authorities concerned as mutually agreed; and
- (o) perform any other task or enquire into any matter that falls within the objects of this Act;

Provided that any transport planning investigations and actions in terms of this Act are compatible with provincial development planning in the Province.

Duties of the MEC

4. The MEC must:

- (a) give effect to the approved provincial transport policies as amended from time to time.
- (b) where appropriate, promote the implementation of provincial transport policies within the spheres of other government bodies.
- (c) monitor the implementation of transport policy, conduct investigations into issues arising from the implementation of the policy and make necessary policy adjustments;

- (d) establish communication and liaison structures and mechanisms to ensure a co-ordinated approach to the provision of transport infrastructure and services;
- (e) promote public transport so that-
 - (i) it is effective in meeting user needs;
 - (ii) it operates efficiently as regards the use of resources;
 - (iii) the services provided, are of an acceptable quality to and are readily accessible by general users and are operated in conjunction with effective infrastructure provided at reasonable cost;
 - (iv) in the operation of public transport services, high priority is given to safety;
- (f) promote the development of public transport in a way that-
 - (i) takes into account national and international benchmarks and best practice;
 - (ii) furthers, within overall land transport objectives, the safety of passengers;
 - (iii) encourages efficient, competitive and commercial behaviour in the provision of public passenger road transport;
 - (iv) furthers a strategic and integrated approach to the provision of public passenger road transport through the integration of public passenger transport facilities, infrastructure and services;
- (g) encourage the efficient use of energy resources, and limit adverse environmental impacts where such matters are related to transport; and
- (h) strive to ensure that funding provided by the Province and transport authorities for public transport is applied in an efficient, cost effective, equitable and transparent way.

Delegation by MEC

5. The MEC may delegate or assign any power or duty conferred or imposed upon him or her to any core city, transport authority or the Head of the Department, except the power to make regulations.

Regulations

6 (1) The MEC may:

(a) make regulations with respect to the matters contemplated in this Act including, but not limited to-

- (i) the manner in which core cities or transport authorities may carry out their powers and duties;
- (ii) the form and manner in which integrated transport plans and annual reports are to be prepared and the programme for the submission of such to the MEC;
- (iii) the implementation and monitoring of integrated transport plans;
- (iv) the collection of data and information regarding transport;
- (v) the establishment and maintenance of an integrated information system;
- (vi) factors of provincial concern to be taken into consideration in the preparation of an integrated transport plan;
- (vii) the co-ordination of rail, bus and taxi transport planning and road and rail networks throughout the Province;
- (viii) the integration of public transport modes and services;

- (ix) providing for the collaboration between core cities, transport authorities or municipalities in producing integrated transport plans or undertaking joint projects, and the joint funding of these plans and projects;
- (x) providing for the publication of integrated transport plans and public participation procedures to be undertaken in preparing, revising or updating these plans;
- (xi) the application of measures to prevent damage to roads from over-loaded vehicles;
- (xii) the regulation and control of public transport;
- (xiii) road safety standards;
- (xiv) the design, provision, maintenance and operation of transport infrastructure and the regulation of its use;
- (xv) the establishment of communication and liaison structures and mechanisms;
- (xvi) the co-ordination of and collaboration between law enforcement agencies in the local and provincial spheres of government;
- (xvii) the fees and travelling allowances, if any, to be charged or paid in respect of any act required or authorised to be done under this Act;
- (xviii) the oversight and management of public transport subsidies and other financial support systems for public transport; and
- (xix) the integration of transport matters with land use planning of municipalities including the development and promotion of particular transport corridors and nodes;

- (b) make different regulations for different transport areas or parts thereof in the Province;
- (c) make regulations pertaining to norms and standards for transport in the Province; and
- (d) make regulations on provincial requirements regarding any other matter that in the opinion of the MEC is necessary or expedient for carrying out the provisions and objects of this Act.

(2) Any regulation made in terms of any previous law and in force immediately before the commencement of this Act relating to matters contemplated in subsection (1) is regarded for the purposes of this Act, as regulations made in terms of that subsection until such time as the MEC makes a superseding regulation under this section.

CHAPTER 3

RELEVANCE OF THE URBAN TRANSPORT ACT

Continuing Operation of the Urban Transport Act

7. Until a municipality has formed a transport authority in terms of the National Land Transport Transition Act and such municipality falls within the boundaries of a Metropolitan Transport Area, then the Urban Transport Act, 1977 (Act No. 78 of 1977) will remain in force for that particular area and the status of an established Metropolitan Transport Area and core city will remain unaffected.

CHAPTER 4

FORMATION OF TRANSPORT AUTHORITIES**Agreements for Formation of Transport Areas and Transport Authorities**

8. (1) Transport authorities may be established for transport areas, only as provided for in this Act and in Part 5 of the National Land Transport Transition Act.

(2) The parties to a founding agreement may agree to amend the boundaries of the transport area concerned, provided that should such amendment involve the area of an additional municipality, the transport authority, if already established, must be dissolved in terms of section 20 and reconstituted.

Declaration of Transport Areas and Establishment of Transport Authorities

9. (1) Not later than 30 days after the conclusion of an agreement referred to in section 8, the MEC must, by notice in the Provincial Gazette:

- (a) publish the founding agreement, which must comply with the requirements of section 10;
- (b) declare the area concerned to be a transport area, and assign to it the name agreed to in the agreement;
- (c) where applicable, withdraw, in the manner provided for in section 3(1)(c) of the Urban Transport Act, 1977 (Act No.74 of 1977), the notice by which the areas of the municipalities concerned had been included in the relevant Metropolitan Transport Area under paragraph (a) or (b) of section 3(1) of that Act; and
- (d) in accordance with and subject to the founding agreement, establish for that transport area a transport authority with effect from the date specified for that purpose in the founding agreement.

(2) A founding agreement, upon having been so published, has the force of law, and no amendment thereof has any legal force or effect until the amendment is published by notice in the Provincial Gazette by the MEC.

Requirements for Founding Agreements

10. The founding agreement must provide for the following:

- (a) a declaration by the contracting parties affirming their agreement on the establishment of a transport authority for the transport area concerned;
- (b) the name to be assigned to the transport area;
- (c) the date with effect from which that transport authority is to be established;
- (d) the establishment and structure of a governing body for that transport authority, including-
 - (i) the number of its members and the manner in which they are to be designated and appointed, but, only councillors of contracting parties (hereafter called a participating municipality), may be designated and appointed as members of the governing body;
 - (ii) the designation and appointment of a chairperson and deputy chairperson for the governing body;
 - (iii) voting procedures and members' voting rights at meetings of the governing body and any committee thereof and mechanisms and procedures for breaking deadlocks in decision-making;
 - (iv) the appointment or designation of a chief executive officer for that transport authority, and the responsibilities, functions and powers attached to that office;
 - (v) the powers of the governing body that may be delegated to any of its members, committees or to the chief executive officer of that transport authority; and

- (vi) the seat of that transport authority and for meetings of its governing body;
- (e) the physical address for delivering, sending or serving all correspondence, documents, notices and court process directed to the transport authority;
- (f) in the case where the transport area consists of the jurisdictional areas of two or more participating municipalities-
 - (i) the contribution of each participating municipality to the funding of that transport authority; and
 - (ii) the performance of the professional, technical, administrative, and other work relating to the performance of the powers and functions of the transport authority in terms of this Act;
 - (iii) subject to this Act, the requirements to be observed and procedures to be followed by any participating municipality that wants to withdraw from the transport authority, having regard to the outstanding commitments and liabilities of that authority at the time of such withdrawal; and
 - (iv) the procedures to be followed for the voluntary dissolution of that transport authority, subject to section 10(13) of the National Land Transport Transition Act;
- (g) the arrangements made for the performance of the professional, technical, administrative, clerical and other work of the transport authority in terms of sections 21 and 20.

CHAPTER 5

POWERS AND FUNCTIONS OF TRANSPORT AUTHORITIES**Powers of Transport Authorities**

11. (1) A transport authority may, subject to legislation applicable to municipalities, perform the following functions:

- (a) negotiate fare structures, fare levels, and concessionary fares for special categories of public transport passengers and the periodic adjustment of fares with operators of subsidised services;
- (b) in the case of subsidised services, determine fare structures and fare levels, and concessionary fares for special categories of passengers, and periodically adjust fares in consultation with stakeholders, provided that the MEC has delegated or assigned the subsidy function to the transport authority;
- (c) in the case of unsubsidised public transport services, set fares;
- (d) build and maintain transport infrastructure;
- (e) undertake travel demand management;
- (f) promote security in public transport;
- (g) prepare tender specifications and call for, evaluate and award tenders for contracted public transport services, provided that the award of tenders shall be subject to the appropriate tender procedures;
- (h) promote and facilitate the establishment of integrated ticketing systems and determine or prescribe measures for the regulation and control of revenue-sharing among the operators involved in that system;
- (i) undertake the overall management of the transport system;

- (j) the co-ordination of regulation and collaboration between enforcement agencies in respect of traffic and transport matters;
- (k) the application of traffic management techniques aimed at improved traffic movement;
- (l) the development, maintenance and operation of a transport information system in collaboration with the MEC;
- (m) apply measures to prevent damage to roads from overloaded vehicles;
- (n) undertake the publicity associated with the provision of transport services;
- (o) provide public transport information for existing and potential passengers;
- (p) facilitate public participation through hearings, workshops and other media to ensure communication with communities and operators;
- (q) exercise control over service delivery through-
 - (i) the setting of operational and technical standards, and monitoring compliance therewith; and
 - (ii) the monitoring of contracts and concessions;
- (r) develop, implement and monitor a strategy to prevent or minimise any adverse impacts of the land transport system on the environment; and
- (s) in agreement with relevant participating municipalities-
 - (i) take over functions relating to municipal roads; and
 - (ii) apply measures to limit damage to the road system in that part of the transport area.

(2) A transport authority may, with the consent of the MEC, delegate any power conferred on it by this Act to any member or officer of the authority, or of participating municipalities.

(3) A transport authority may investigate any matter falling within the scope of this Act and in its transport area and, with the consent of the authority concerned, in any area outside of its transport area.

(4) A transport authority may let to any person the unoccupied part of land or any building that it has acquired and shall pay the net proceeds thereof into its account or reserve fund.

(5) Where public transport facilities are situated on private property, the transport authority may control the use of the facilities after consultation with the property owner.

(6) A transport authority may perform any act necessary to enable it to fulfil its functions in terms of this Act, as well as any act incidental or ancillary to, or consequential upon, this Act.

(7) The MEC and a transport authority may agree:

(a) that different functions be undertaken in rural areas as opposed to urban areas in the transport area concerned; or

(b) in the case of a category C municipality, as contemplated in section 155(1)(c) of the Constitution, being a participating municipality, that different functions may be undertaken within the areas of jurisdiction of the Category B municipalities in the area concerned, as opposed to outside of such areas.

(8) The transport authority must, with a view to ensuring co-ordinated transport law enforcement within its area, liaise regularly with the South African Police Service, the relevant provincial and municipal law enforcement authorities or agencies, and the inspectors appointed under the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998);

(9) A transport authority may, with the agreement of a participating municipality, assume co-responsibility for or assist the participating municipality in the application of traffic management techniques aimed at improving road traffic movement.

(10) Subject to legislation applicable to municipalities, a transport authority must perform the functions assigned to it by this Act and may, with the agreement of the MEC:

- (a) promote the optimal use of the available travel modes to enhance the effectiveness of the transport system and reduce travelling time and costs; and
- (b) make payments to public transport operators operating public transport services in terms of subsidised service contracts and concessionary fare agreements to which it is a party, if the MEC has delegated or assigned this function to the authority;

(11) (a) If a transport authority-

- (i) fails to perform its functions in terms of subsection (1);
- (ii) having undertaken a function contemplated in subsection (7), fails to perform it; or
- (iii) fails to perform any function properly and effectively in accordance with this Act and applicable provincial laws,

the MEC may by written notice addressed to the chief executive officer or the governing body of the transport authority order that authority to remedy its default and perform the function concerned or to perform it properly and effectively, as the case may be, not later than the date stated in the notice.

- (b) Thereupon the governing body and the chief executive officer are responsible to ensure the speedy compliance with that direction.

- (c) If the transport authority fails to remedy its default within the period allowed therefore in the notice, the MEC may-
- (i) take preliminary steps before intervention occurs in terms of section 139 of the Constitution in order to ensure fulfilment of any function of a core city or transport authority, which may include requiring the core city or transport authority to report on the progress it has made in performing such functions and stipulating the proposed actions it will undertake to remedy any shortcomings which have occurred in fulfilling its functions; and
 - (ii) use moneys from the provincial revenue fund that are earmarked for allocation to the transport authority, to pay the costs arising from taking those steps, or recover those costs from the transport authority.

(12) Every transport authority must prepare an annual report for the MEC as prescribed, who must table it in the Provincial Legislature.

Ancillary Powers of Transport Authorities

12. (1) A transport authority may enter into an agreement with a municipality, person or institution, whether inside or outside its transport area, in terms of which:

- (a) the transport authority undertakes on behalf of that municipality, person or institution to exercise a power or perform a duty which that municipality, person or institution may exercise or is obliged to perform; and
- (b) that municipality, person or institution undertakes to exercise or perform on behalf of that transport authority any function or duty of a transport authority or part thereof under this Act.

(2) The transport authority may only enter into an agreement contemplated in subsection (1) if it is competent in terms of this Act and applicable transport legislation to exercise or perform the same or a similar power or function with regard to its transport area.

(3) An agreement in terms of subsection (1) may involve the utilisation of funds of a transport authority outside of its transport area, if the MEC and the Member of the Executive Council responsible for finance both agree.

(4) In addition to the powers conferred on it in terms of this Act and any provincial laws, a transport authority may perform any legal act or do anything which a juristic person is competent in law to perform or do, except in so far as may be inconsistent with this Act.

Governance of Transport Authorities

13. The governing body represents the transport authority, and all acts performed by the governing body or anyone duly authorised by that body to act in its place, are the acts of that authority.

CHAPTER 6

FINANCES OF CORE CITIES AND TRANSPORT AUTHORITIES

Finances of Core Cities

14. The finances of core cities in relation to this Act shall be conducted in terms of the provisions of the Urban Transport Act, 1977 (Act No. 78 of 1977).

Finances of Transport Authorities

- 15.** (1) (a) A transport authority must-
- (i) not later than three months before the end of each financial year prepare a budget containing a statement of estimated income and expenditure for the next financial year; and

- (ii) submit such budget to the participating municipalities for approval by the date to be determined by the MEC;
but that authority may at any time during the course of a current financial year submit a supplementary budget for that financial year to the municipalities for approval.
 - (b) The transport authority may not incur any expenditure in excess of the total amount, including a supplementary amount of the budget as approved by the municipalities in terms of paragraph (a).
 - (c) A transport authority may establish a reserve fund for any purpose connected with its functions in terms of this Act, which has been approved by the MEC, and allocate to the reserve fund the moneys made available for that purpose in the budget, including any supplementary budget approved under paragraph (a).
- (2) The chief executive officer of a transport authority must:
- (a) keep proper accounting records in accordance with generally accepted accounting practice and procedures; and
 - (b) ensure that the accounting records include a revenue account of all moneys that accrue to the transport authority and the expenses incurred by that authority.

Loans by Transport Authorities

16. A transport authority may take a loan to assist it in the implementation of the approved integrated transport plan and such a loan must:

- (a) have the prior approval of the MEC; and
- (b) be reflected in the budget.

By-Laws

17. (1) A core city or the relevant municipality may, on the recommendation of a transport authority and subject to subsection (2), in accordance with any applicable approved integrated transport plan make by-laws to:

- (a) regulate the size, class, mass or number of motor vehicles that may enter any specified portion of its transport area and determine the time or times when any class of vehicle may enter any portion;
- (b) regulate or prohibit the entry of any class of motor vehicle in any portion during any specified period;
- (c) prohibit the loading or off-loading of goods motor vehicles in any portion during any specified period or periods, and determine the time or times when loading or off-loading may take place;
- (d) regulate or prohibit the provision of parking places for vehicles in any building or premises in any portion during any specified period;
- (e) regulate the conduct of drivers of public transport vehicles;
- (f) regulate the provision and use of public transport facilities; and
- (g) regulate any other matter to further the objects of this Act.

(2) By-laws made under this section may prescribe penalties not exceeding those specified under section 39 for the contravention or failure to comply therewith.

Appropriations by Provincial Government

18. The MEC may, subject to the Public Finance Management Act, 1999 (Act No. 29 of 1999), make:

- (a) payments or grants as he or she considers necessary to further provincial transport goals and objectives and to supplement the funds of core cities or transport authorities, and may allocate the money so paid or granted to the relevant authorities;
- (b) payments in terms of interim, tendered or subsidised service contracts and concessions or any other subsidy agreement;
- (c) grants for assisting special categories of passengers to defray the cost of public transport;
- (d) the payment of a contribution towards the costs of the provision and maintenance of transport infrastructure;
- (e) payments or grants for defraying the costs of road safety programmes;
- (f) payments or grants for defraying the costs of the introduction of new technology or systems;
- (g) payments or grants for defraying the cost of demonstration or pilot projects;
- (h) payments or grants for defraying the cost of establishing and maintaining training and information centres;
- (i) payments or grants for defraying the cost of developing and maintaining databases and information systems;
- (j) payments or grants for defraying the cost of transport-related projects, studies and research necessary for the Province to fulfil its functions; and
- (k) payments or grants for any other purpose to achieve the objects of this Act.

CHAPTER 7

DISSOLUTION OF TRANSPORT AUTHORITIES**Dissolution of Transport Authorities**

- 19.** (1) (a) Subject to paragraph (b) of this subsection, a transport authority may be dissolved only as provided for in this section; and
- (b) Paragraph (a) of this subsection does not affect the capacity of the MEC for local government, when acting in terms of section 14 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).
- (2) A transport authority is dissolved in terms of subsection (1)(a) if the following requirements have been met:
- (a) where there is only one municipality party to the transport authority, it has decided to terminate its participation in the transport authority and has notified the MEC in writing of the decision;
- (b) where there are two or more municipalities party to a transport authority-
- (i) the municipalities concerned have agreed that the transport authority be dissolved, and have notified the MEC; and
- (ii) any of those municipalities have decided to terminate participation in that transport authority and every municipality that has so decided has notified the MEC and the other parties of the decision;
- (c) the MEC, within 30 days after having been so notified, must publish a notice in the Provincial Gazette and a newspaper generally circulated in the particular transport area containing-
- (i) the particulars of the proposed dissolution;

- (ii) an invitation to interested parties to comment and make representations with regard thereto; and
- (iii) requesting interested parties to furnish comments and representations, in writing, to the MEC by the date specified in that notice, but a period of at least 30 days must be allowed for receipt of comments and representations;
- (d) all the parties to the transport authority must enter into an agreement in terms of which arrangements are made, with due regard to the comments and representations, if any, furnished in response to the MEC's notice in terms of subsection 19(2)(c), with regard to the matters listed in subsection 10(13) of the National Land Transport Transition Act but the date of dissolution must be so determined as to allow opportunity for sufficient notice being given in accordance with subsection (4); and
- (e) the MEC for local government shall be consulted in the decision to dissolve a transport authority.

(3) If the MEC and the relevant municipalities that are members to that transport authority fail to reach agreement on any of the matters mentioned in subsection 19(2):

- (a) the matter must be determined by arbitration in terms of the Arbitration Act, 1965 (Act No. 42 of 1965), and the arbitrator's determination is final and binding; and
- (b) the arbitrator's determination is regarded for the purposes of subsection (2) as being part of the agreement contemplated in paragraph (d) of that subsection or, where applicable, as constituting that agreement.

(4) The MEC must, within 30 days of the date of an agreement contemplated in subsection (2) or (3), by notice in the Provincial Gazette and a newspaper generally circulated in the transport area concerned, make known the

dissolution of the transport authority and publish the terms of that agreement, but the date of dissolution must be so determined not less than 90 days from the date of the notice.

CHAPTER 8

TRANSPORT EXECUTIVES

Transport Executives

20. (1) The parties to a founding agreement may provide therein:

- (a) that the professional, technical, administrative and other work relating to the exercise of powers and performance of duties of a transport authority in terms of this Act, is to be performed for the transport authority by the municipal administration of one or more of the participating municipalities, or
- (b) for the establishment by the transport authority of a body under its auspices and subject to its control (hereafter called a transport executive), to perform all work of that nature or any specified type or category of that work for the transport authority.

(2) Where the founding agreement provides for the establishment of a transport executive:

- (a) provision may also be made in that agreement that the transport authority, if requested thereto by another transport authority, may make its transport executive available to perform work of that nature for that other authority-
 - (i) in terms of a written agreement entered into between the transport authorities concerned;

- (ii) for a fee or against payment of an amount specified in that agreement; and
 - (iii) in accordance with and subject to the terms and conditions stipulated in the founding agreement; and the terms and conditions specially stipulated in that agreement; and
- (b) provision must be made at least for the following-
- (i) where not all the professional, technical, administrative and other work of the transport authority is to be performed by the transport executive, specification of the type or category of work for the performance of which the transport executive is to be responsible;
 - (ii) the place where the offices of the transport executive will be situated;
 - (iii) the procedure for determining the staff establishment of a transport authority; and
 - (iv) the repository of the power to appoint and dismiss its staff.

Joint Transport Executives

21. (1) The MEC and any two or more transport authorities authorised thereto by their respective participating municipalities may enter into an agreement providing for the formation of a transport executive under the auspices of those transport authorities jointly, to perform, for each of them, the professional, technical, administrative and other work relating to its functioning as a transport authority in terms of this Act (hereafter called a joint transport executive).

(2) In such an agreement provision must further be made for at least:

- (a) the matters mentioned in subsection 20(2)(b), which, with the changes required by the context, apply in relation to a joint transport executive;
- (b) the powers of the participating transport authorities with regard to the exercise of supervision and control over their joint transport executive; and
- (c) the contribution of each participating transport authority to the funding of their joint transport executive.

CHAPTER 9

DELEGATION

Delegation of Governing Bodies

22. The governing body of a transport authority may delegate any of its powers or functions in terms of this Act, except the power of governance contemplated in section 13 and the power conferred by this section, to any member of that governing body.

Provisions Applicable to Delegations

23. (1) A delegation by the governing body under section 22:
- (a) may be made subject to any conditions determined by the governing body;
 - (b) may be given together with the power to sub delegate, subject to any conditions so determined; and
 - (c) must be in writing and must contain full particulars of the matters being delegated and of any conditions attached to the delegation, and, where the power of sub-delegation is conferred, must state that fact as well as any conditions attached.

- (2) The governing body may at any time:
- (a) amend or revoke a delegation made under section 22; or
 - (b) withdraw any decision made by the delegatee with regard to a delegated matter, and decide the matter itself but a decision made by a delegatee may not be withdrawn where it confers a right or entitlement on any third party.
- (3) If the MEC is satisfied that the interests of land transport in the Province or the transport area so require, the MEC may by notice in the Provincial Gazette:
- (a) prohibit the delegation of any particular power or function, whether generally or in the circumstances specified in the notice;
 - (b) limit the circumstances in which any particular power or function may be delegated;
 - (c) prescribe conditions for the delegation of any particular power or function; and
 - (d) in relation to any power or function specified in the notice, prohibit sub-delegation in the event of the governing body delegating that power or function.

CHAPTER 10

TRANSPORT PLANNING

General principles for transport planning, and its relationship with land development

24. (1) Land transport planning must be integrated with the land development process, and the transport plans required for that purpose by this Act are designed to give structure to the function of municipal planning mentioned in Part B of Schedule 4 of the Constitution, and must be accommodated in and form an essential part of integrated development plans,

with due regard to section 84(1)(a), 84(2) and 84(3) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and for this purpose:

- (a) where the relevant planning authority is a municipality contemplated in section 26(1)(c), the plans mentioned in paragraphs (b) to (f) of subsection (1) of section 25 must form the transport component of the integrated development plan of the municipality; and
- (b) where the jurisdictional area of a municipality falls wholly or partly in a transport area or Metropolitan Transport Area, the plans mentioned in paragraphs (b) to (f) of subsection (1) of section 25 constitute the transport component of the integrated development plans of such municipality in respect of that part of its jurisdictional areas that falls within the transport area or metropolitan transport area.

(2) Subject to this section, land transport planning must be carried out so as to cover both public and private transport and all the modes of land transport relevant in the area concerned, and must focus on the most effective and economic way of moving from one point to another in the system.

(3) Transport plans must be developed so as to:

- (a) enhance the effective functioning of cities, towns and rural areas through integrated planning of transport infrastructure and facilities, transport operations including freight movement, bulk services and public transport services within the context of those integrated development plans in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
- (b) direct employment opportunities and activities, mixed land uses and high density residential development into high utilisation public transport corridors interconnected through development nodes within the corridors, and

discourage urban sprawl where public transport services are inadequate;

- (c) give priority to infilling and densification along public transport corridors;
- (d) give higher priority to public transport than private transport by ensuring the provision of adequate public transport services and applying travel demand management measures to discourage private transport;
- (e) enhance accessibility to public transport services and facilities, and transport functionality in the case of persons with disabilities; and
- (f) minimise adverse impacts on the environment.

(4) Transport planning must be viewed as a continuous process by which core cities and transport authorities professionally develop and implement integrated public transport services for their areas.

(5) A core city and transport authority must, unless clearly inappropriate or not reasonably practical in the circumstances, in preparing any transport plan, ensure co-ordination and integration within and between land transport modes so as to optimise the accessibility and utilisation of public transport services, facilities and infrastructure.

(6) The MEC must ensure the co-ordination of the planning processes of all core cities and transport authorities under the jurisdiction of the province and, in so doing, must ensure that all plans address:

- (a) public transport services operating across the boundaries of core cities, transport authorities or any particular municipal authority;
- (b) road and rail networks;
- (c) freight movements;
- (d) the needs of special categories of passengers;

- (e) rivalry between neighbouring core cities or transport authorities that may result in the duplication or over-supply of transport facilities and infrastructure in the region; and
- (f) the integration of transport and land use planning within the context of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other similar provincial law.

Types of Plans Required by this Act

25. (1) The following plans are required for the purposes of this Act:

- (a) provincial land transport frameworks provided for in section 27;
- (b) current public transport records provided for in section 28;
- (c) operating licence strategies provided for in section 29;
- (d) rationalisation plans provided for in section 30;
- (e) public transport plans provided for in section 31; and
- (f) integrated transport plans provided for in section 32.

(2) The relationship and sequence of transport plans are as

follows:

- (a) the Department must prepare its initial provincial land transport framework as an overall guide to transport planning within the Province which must be integrated with provincial development planning;
- (b) every transport authority and core city, and every municipality required to do so by the MEC, must prepare a public transport plan which must include-(i) a current public transport record; and
 - (ii) an operating licence strategy; and
 - (iii) if it has subsidised public transport services, a rationalisation plan;

- (c) transport authorities and core cities, and other municipalities requested thereto by the MEC, must prepare an integrated transport plan of which the public transport plan forms a component; and
- (d) the Department must prepare subsequent provincial land transport frameworks that, in addition to the provision of subparagraph (a), must summarise the local plans in the Province.

(3) The provincial land transport framework must include the planning of both intra-provincial and inter-provincial long-distance services, which must be linked where applicable with other public transport services, and may provide for charter services, staff services and tourist services, and in the case of inter-provincial transport, this must be done in consultation with the MEC of the other province concerned.

(4) The planning authority contemplated in section 26 must, by the prescribed date, publish a notice:

- (a) in English and at least one other official language in a newspaper circulating in the area of the planning authority; and
- (b) stating that the plan in question has been completed and is available for public inspection at a place stated in the notice

(5) The MEC may prescribe procedures to be followed in promoting public participation in the transport planning process.

(6) The content of plans mentioned in subsection 25(1)(a) to (f) must comply with the requirements of this Act, but the MEC may modify the requirements for those plans, in the prescribed manner, in relation to rural areas in the Province.

Planning Authorities

26. (1) Plans contemplated in section 25(1)(b) and (c) and, where appropriate, section 25(1)(d), (e) and (f), must be prepared by the following authorities, to be known as planning authorities, subject to subsections (4) and (5), and these plans may be different in respect of rural planning authorities except for those that have subsidised public transport services:

- (a) transport authorities, in respect of their transport areas;
- (b) core cities, in respect of their metropolitan transport areas; and
- (c) other municipalities, not included in the area of jurisdiction of a core city or transport authority and if so requested by the MEC.

- (2) (a) A planning authority may enter into an agreement with any other planning authority or the Department to assist it in performing its functions in terms of this section; and
- (b) Such an agreement does not detract from the responsibility of the planning authority for the functions entrusted to it by this section.

(3) Every planning authority must supply relevant transport plans to the board and make recommendations to that board about the conversion of permits to operating licences, and about applications for new operating licences, as required by Part 9 of the National Land Transport Transition Act.

(4) Where there are substantial public transport services between adjacent transport areas, the MEC is responsible for the effective planning of such services, and must ensure that such services are planned jointly with the respective transport authorities and integrated with their transport plans.

(5) A transport authority may apply to the MEC for it to take over the planning of the services contemplated in subsection (4), and in deciding whether to do so, the MEC must consider:

- (a) the extent to which the services are being operated within the transport area concerned; and

(b) the ability of the transport authority to carry out the responsibilities relating to this function.

(6) In the case of a district municipality as defined in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), such a municipality and its relevant local municipalities must agree as to which of them must prepare the plans contemplated in section 25(1)(b) to (f).

Provincial Land Transport Framework

27. (1) The MEC must annually prepare a provincial land transport framework that must be:

- (a) for a five-year period;
- (b) in accordance with any national requirements or, in the absence of such national requirements, in accordance with the format and contents of a provincial land transport framework developed jointly with the relevant core cities and transport authorities in the Province; and
- (c) integrated with provincial development planning.

(2) The initial provincial land transport framework must serve to guide land transport in the Province, including intra-provincial, inter-provincial and cross-border transport and any subsequent provincial land transport frameworks must also include summaries of the local plans within the Province.

(3) The provincial land transport framework must be submitted to the Minister and must be accompanied by copies of all agreements regarding inter-provincial transport concluded between the Province and other provinces.

Current Public Transport Records

28. (1) Every planning authority must as soon as reasonably possible after the commencement of this Act, but by a date to be determined by the MEC, prepare for its area a current public transport record, which must become part of its public transport plan and constitutes the basis for the development of

operating licences strategies, rationalisation plans, public transport plans and integrated transport plans.

(2) The current public transport record must be prepared in accordance with the requirements laid down by the MEC, or by the Minister in terms of his powers under the National Land Transport Transition Act after consultation with the applicable core cities, transport authorities or municipalities.

(3) That public transport record must include:

(a) all the scheduled and unscheduled services that are operated in the area of the planning authority, and taking into account such services to and from the areas of neighbouring planning authorities;

(b) all the facilities and infrastructure in place and utilised in the area concerned for the purposes of or in connection with the public transport services mentioned in paragraph (a), as well as the facilities and infrastructure being developed for those purposes within the area concerned.

(4) The current public transport records must be submitted to the MEC by the planning authorities not later than the date determined in subsection (1).

(5) The current public transport records must be updated annually, and in updating it, planning authorities must record changes in the supply of public transport services with regard to their respective areas, including the granting and issuing of operating licences and the amendment, transfer, suspension, lapsing, withdrawal and cancellation of operating licenses or permits by the board.

Operating Licence Strategies

29. (1) A planning authority must prepare a plan known as an operating licences strategy, which must eventually form part of its public transport plan, to assist the board when disposing of applications regarding

operating licences to achieve a balance between public transport supply and utilisation that is both effective and efficient.

(2) An operating licences strategy must set out the policy and strategies of the planning authority in relation to:

- (a) the role of each public transport mode and identification of the preferred road-based modes with regard to its area, including transport into or from the areas of other planning authorities, and inter-provincial transport;
- (b) the circumstances in which operating licences or permits authorising the operation of public transport within any part of its area, should be allowed;
- (c) the use of public transport facilities within its area;
- (d) the avoidance of wasteful competition between transport operators;
- (e) the conclusion of commercial service contracts for unsubsidised public transport services; and
- (f) the conditions that should be imposed by the board in respect of operating licences.

(3) Operating licences strategies must be in accordance with the prescribed requirements.

- (4) (a) The operating license strategy must, subject to paragraph (b), be submitted to the MEC for approval; and
- (b) in granting such approval the MEC must consider procedures, financial issues that affect the Province, provincial policy and principles, transport across the boundaries of the areas of planning authorities, inter-provincial transport and other matters provided for in provincial laws.

(5) In the absence of a public transport plan, a planning authority must ensure that its operating licences strategy is updated on a continuous basis and consolidated at least once a year within two months of completing its current

public transport record, or by a date determined by the MEC by notice in the Provincial Gazette.

Rationalisation plans

30. (1) If in terms of a subsidised service contract or concession it is proposed that a public transport service be continued after expiry of its current terms, a planning authority in whose area the service is operated must prepare a rationalisation plan, which must:

- (a) become part of its public transport plan;
 - (b) be done before the service to be operated in terms of the subsidised service contract is put out to public tender; and
 - (c) consider the following-
 - (i) rationalising subsidised services within and between modes;
 - (ii) determining where and to what extent subsidies should be paid;
 - (iii) rationalising subsidised services across the borders of planning authorities and in relation to inter-provincial transport;
 - (iv) minimising the level of subsidy;
 - (v) minimising competition between subsidised services;
 - (vi) structuring subsidised service contracts or concessions in such a way as to attract sufficient competitive bidding by qualifying tenderers;
 - (vii) ensuring that routes and route networks are utilised optimally so as to meet passenger needs effectively and efficiently; and
 - (viii) facilitating the future development of an integrated public transport system.
- (2) The rationalisation plan must contain the following:
- (a) The proposed changes to the existing route or network;

- (b) the proposed changes to the passenger-carrying capacity of the services operated on the route or network;
- (c) the policy proposed for the structuring of contracts or concessions for competitive tendering;
- (d) a statement setting out the potential impact of the rationalisation on the various transport modes;
- (e) an indication of the improvements to be effected for the benefit of passengers; and
- (f) an indication of the obstacles foreseen with regard to the implementation of the plan, and the strategies proposed to overcome them.

(3) Rationalisation plans must be in accordance with the requirements the MEC, or by the Minister in terms of his powers under the National Land Transport Transition Act, may prescribe.

(4) Rationalisation plans must be submitted to the MEC for approval, which approval must relate only to the matters mentioned in section 29(4)(b).

(5) In the absence of a public transport plan, a planning authority that has subsidised public transport services must ensure that its rationalisation plan is prepared or updated and submitted to the MEC at least once a year and within four months of completing its current public transport record, or by a date determined by the MEC by notice in the Provincial Gazette.

Public transport plans

31. (1) A planning authority must, by the date determined by the MEC, prepare a public transport plan with a view to determine and specify the public transport services that it requires to have provided in terms of the matters mentioned in section 28(3)(a) and (b).

(2) The public transport plan must be prepared with a view to develop and implement the integration of public transport services and must contain the following:

- (a) The planning authority's vision, goals and objectives for public transport in its area;
- (b) the planning authority's strategies for-
 - (i) the needs of learners and persons with disabilities; and
 - (ii) modal integration and fare systems for public transport, the latter comprising fare structure, level and technology; and
- (c) an operational component, including-
 - (i) the provisions of the rationalisation plan for contracted services and concessions; and
 - (ii) the operating licences strategy for all public transport services not covered under subparagraph (i).

(3) Public transport plans must be in accordance with the requirements, and in the manner and form prescribed by the MEC, or by the Minister in terms of his powers under the National Land Transport Transition Act.

(4) The public transport plan must be submitted to the MEC for approval, which approval must relate only to the matters mentioned in section 29(4)(b).

(5) Every planning authority must ensure that its public transport plan is updated at least once a year by a date determined by the MEC by notice in the Provincial Gazette.

Integrated transport plans

32. (1) A planning authority must prepare and submit to the MEC annually by the date determined by the MEC, an integrated transport plan which complies with subsection (2) for its respective area for a five-year period commencing on the first day of that financial year.

(2) The integrated transport plan must formulate the planning authority's official vision, policy and objectives, consistent with national and

provincial policies, and be aligned with any relevant integrated development planning, and must at least:

- (a) specify the changes to the planning authority's land transport policies and strategies since the previous year's five-year plan;
- (b) include a list that must -
 - (i) show, in order of precedence, the projects and project segments to be carried out in that five-year period, and the cost of each project; and
 - (ii) be prepared with due regard to relevant integrated development plans, where applicable, required in terms of a law of the province;
- (c) include all modes and infrastructure, including new or amended roads and commercial developments having an impact on the land transport system, and land transport aspects of airports and harbours;
- (d) include the planning authority's detailed budget, including funding sources, with regard to land transport for the relevant financial year in the format prescribed by the MEC;
- (e) include the planning authority's public transport plan;
- (f) set out a general strategy for travel demand management;
- (g) set out a road and transport infrastructure provision, improvement and maintenance strategy; and
- (h) set out a general strategy or plan for the movement of hazardous substances contemplated in section 2(1) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), by road along designated routes, in accordance with the strategy or plan in the provincial transport framework contemplated in section 27.

(3) An integrated transport plan must be in accordance with requirements and in the manner and form the MEC, or the Minister in terms of his powers under the National Land Transport Transition Act, may prescribe.

(4) The plan must be submitted to the MEC for approval, which approval must relate only to the matters mentioned in section 29(4)(b).

(5) A person may not transport hazardous substances contemplated in section 2(1) of the Hazardous Substances Act, 1973 (Act No. 15 of 1973), in the area of a planning authority, except on a route determined under paragraph (h) of subsection (2), where such a route has been determined and published under section 34(1).

(6) Any person who contravenes subsection (5) is guilty of an offence.

Approval of commuter rail components of transport plans

33. Until the function of commuter rail is devolved from the national to another sphere of government, the transport plans contemplated in section 25(1)(a) to (f) must be submitted to the Minister for approval of the commuter rail component of such plans, within the prescribed manner and time.

Publication of Transport Plans and substantial changes in Land Use and Public Transport Infrastructure and Services.

34. (1) On approval of the provincial land transport framework, a public transport plan or an integrated transport plan, the MEC or planning authority, as the case may be, must publish, in the Provincial Gazette, the prescribed particulars of such plans, which must include particulars of routes determined under section 32(2)(h).

(2) All persons, including the State and parastatal institutions, agencies and utilities are bound by the provisions of plans published under subsection (1), and:

- (a) no substantial change or intensification of land use on any property may be undertaken without the written consent of the relevant planning authority;
- (b) developments on property within a transport area are subject to traffic impact assessments and public transport assessments as prescribed by the MEC;
- (c) where new or upgraded transport infrastructure or services are suggested in such a traffic impact assessment or public transport assessment, the costs thereof must be paid as decided by the relevant planning authority; and
- (d) no action may be taken that would have the result of substantially decreasing the quantity or availability of land transport infrastructure or services, unless the owner of the land on which the infrastructure is situated, or the holder of the relevant operating license, as the case may be, has notified the relevant planning authority in writing not less than 30 days before the action is taken.

(3) Despite any law to the contrary, any authority with responsibility for approving substantial changes or intensification in land use or development proposals which receives an application for such change or intensification, must:

- (a) within 14 days of receipt of such application and prior to considering or ruling on such application, submit such application to the relevant planning authority for its assessment and determination of the impact of the application on transport plans and public transport services; and
- (b) ensure that such application is accompanied by the required traffic impact assessment and public transport assessment, and has sufficient information for such

authority to assess and determine the impact of the application on transport plans and services.

- (4) The planning authority must, within 28 days:
- (a) approve or refuse an application for a change or intensification in land use or development proposal submitted in terms of subsection (3); and
 - (b) submit its written decision and any objections with respect to such application, including directions or conditions for compliance with the transport plans, to such authority vested under law with responsibility for considering the application.

(5) The authority vested with responsibility for consideration of applications for change or intensification in land use or its development may not approve such application:

- (a) prior to the expiry of the 28 day period referred to in subsection (4); or
- (b) which is in conflict with the directions of or conditions required by the planning authority as contemplated in subsection (4)(b), except to the extent that the planning authority's directions or conditions are altered by the development tribunal in terms of subsection (6).

(6) Where any person is aggrieved by any decision of a planning authority in terms of this section, such person may appeal against the decision to the relevant appeal body whether it be the development tribunal established for the Province under the Local Government: Municipal Systems Act 2000 (Act No 32 of 2000), or replacing provincial legislation, or any other appeal body established in terms of other relevant legislation, in the manner and within the time prescribed.

(7) Despite any provision to the contrary in the Deeds Registries Act, 1937 (Act No. 47 of 1937), or any other law, conditions imposed in terms of subsection (4)(b) must be registered or endorsed against the relevant title deed.

(8) Despite any provision to the contrary in the Deeds Registries Act, 1937 (Act No. 47 of 1937), or any other law, the registrar of deeds may, with the written approval of the planning authority, cancel any condition which has in terms of subsection (7) been inserted in a deed of transfer or endorsed upon a title deed.

(9) Any person who undertakes a development involving a change or intensification in land use or development proposal without the approval of the planning authority under this section, or contrary to a condition imposed by such an authority, is guilty of an offence and is liable on conviction to a fine or imprisonment for a period not exceeding six months.

(10) Where a building or structure has been erected without the approval of a planning authority in circumstances where such approval should have been obtained under this section, or in conflict with a condition imposed under this section, the relevant planning authority may apply to the High Court having jurisdiction for an order compelling the owner of the property to demolish or remove the building or structure at the owner's cost, or authorising the authority to do so and claim the costs involved from the owner, or making such other order as the Court may consider to be just.

CHAPTER 11

CO-OPERATIVE GOVERNANCE

Gauteng Transport Consultative Forum

35. (1) The MEC may by notice in the Provincial Gazette establish the Gauteng Transport Consultative Forum for the Province of which the MEC shall be chairperson.

(2) The MEC may appoint the members of such Forum in the prescribed manner, consisting of representatives of provincial and local government, and other members, as prescribed.

(3) The goal of the Forum is to jointly discuss transport policy and needs in the Province by:

- (a) establishing and maintaining an effective forum for consultation with local and provincial representatives; and
- (b) facilitating the identification of needs and giving policy direction on the planning and provision of transport infrastructure and services in the Province.

(4) Despite subsection (3), regulations may prescribe additional goals or objects of such Forum, or elaborate on or modify such goals.

(5) The functioning of such Forum and procedures at its meetings shall be as prescribed.

(6) The Head of the Department must, subject to the laws governing the public service, provide the staff necessary to assist such Forum in the performance of its functions.

Transport Co-ordination Committee

36. (1) The MEC may by notice in the Provincial Gazette establish a Transport Co-ordination Committee for the Province of which the Head of the Department shall be the chairperson.

(2) The MEC may appoint the members of the Committee in the prescribed manner, consisting of officials of the Department, transport authorities, core cities, municipalities, the National Department of Transport, other departments of the Gauteng Provincial Government and other role players as prescribed.

(3) The goals of such Committee are to:

- (a) establish and maintain an effective forum for the members contemplated in subsection (2);
- (b) promote liaison and co-ordination;
- (c) advise departments on technical transport matters;
- (d) ensure consultation with technical role players;

(e) disseminate information on matters relating to the strategic development of the Province in relation to transport.

(4) Despite subsection (3), regulations may prescribe additional goals or objects of the Committee, or elaborate on or modify such goals.

(5) The functioning of the Committee and procedures at its meetings shall be as prescribed, but it must meet at least four times a year.

(6) The Committee may establish working groups or sub-committees, either on a permanent basis or on an *ad hoc* basis for particular tasks and periods, and the constitution, functioning and membership of such working groups and sub-committees shall be as prescribed.

(7) The Head of the Department must, subject to the laws governing the public service, provide the staff necessary to assist the Committee in the performance of its functions

Joint Planning Structure

37. The MEC may, in collaboration with core cities, transport authorities and municipalities responsible for transport planning in respect of this Act, set up a joint planning structure to deal with common transport planning matters on a provincial wide basis.

CHAPTER 12

GENERAL PROVISIONS

Repeal

38. (1) This Act repeals the Gauteng Transport Framework Act, 1998 (Act No. 8 of 1998).

(2) This Act replaces sections 63 to 76 of Chapter 3: Matters of Provincial Concern of the National Land Transport Transition Act.

(3) Sections 24 to 34 of this Act shall lapse on the date of commencement of Part 7 of the National Land Transport Transition Act.

Offences and Penalties

39. (1) The contravention of any of the provisions of this Act and the Regulations constitute an offence.

(2) Any person convicted of an offence under this Act shall be liable to a fine not exceeding R100 000 or to imprisonment for a period not exceeding two years or to both a fine and imprisonment, unless a specific section of this Act specifies differently or the MEC prescribes a different penalty or categories of penalties in respect of different sections of this Act.

State Bound

40. Save as expressly or by implication provided by this Act, the provisions of this Act and the regulations, rules and requirements made thereunder shall bind the State.

Short Title and Commencement

41. (1) This Act is called the Gauteng Transport Framework Revision Act, 2002 and comes into operation on a date determined by the Premier by proclamation in the Provincial Gazette.

(2) Different Chapters or sections of this Act may come into operation on different dates, or in respect of different areas.

EXPLANATORY MEMORANDUM

ON THE OBJECTS OF THE GAUTENG TRANSPORT FRAMEWORK REVISION BILL, 2001

1. REASONS FOR THE BILL

The Gauteng Transport Framework Revision Bill (GTFRB) sets out the transport planning system for Gauteng including the functions of the MEC relating to transport, the functions and powers of transport authorities, finances of core cities and transport authorities, dissolution of such authorities, transport executives, various transport planning provisions and a number of sections on cooperative governance on transport matters. The GTFRB repeals the Gauteng Transport Framework Act, 1998 (Act No. 8 of 1998), which was originally drafted to cover the provincial matters required to match the national land transport legislation then being prepared. The GTFRB has been drawn up to take into account the National Land Transport Transition Act, 2000 (Act No. 22 of 2000), which allows Chapter 3: Matters of Provincial Concern to be replaced by appropriate provincial legislation. The GTFRB will allow the Province's transport system to be planned in an orderly manner and will ensure that transport authorities are established where local authorities deem it necessary.

2. ENVIRONMENTAL IMPACT

None.

3. FINANCIAL IMPLICATIONS OF THE BILL

As the Bill complements the National Land Transport Transition Act, 2000, it gives rise to no additional financial implications.

4. COMMENTS RECEIVED AND SOLICITED

Many of the principles behind the GTFRB, were debated in the Transport Co-ordination Committee (TCC) when the Gauteng Transport Framework Act, 1998 was developed. As far as possible these principles have been replicated in the GTFRB and many of the provisions have already been discussed as the National Land Transport Transition Act, 2000 was being drafted.

5. CLAUSE-BY-CLAUSE EXPLANATION

Clause 1: This clause contains definitions.

Clause 2: This clause describes the relationship between this Act and the National Land Transport Transition Act, 2000 (Act No. 22 of 2000).

Clause 3: This clause contains a comprehensive list of powers of the MEC for Public Transport, Roads and Works.

• Clause 4: The MEC for Public Transport, Roads and Works must perform the duties set out in this clause.

Clause 5: Clause 5 allows the MEC to delegate or assign any power duty conferred upon him to any core city, transport authority or the Head of Department, except the power to make regulations.

- Clause 6: The MEC may make regulations according to the various categories listed under this clause.
- Clause 7: This clause confirms that the Urban Transport Act, 1977 (Act No. 78 of 1977) continues in operation in the Province.
- Clause 8: This clause allows transport authorities to be formed for transport areas subject to the restriction that they comply with the GTFRB, the National Land Transport Transition Act and the Local Government: Municipal Structures Act, 1998.
- Clause 9: Transport authorities may be declared upon conclusion of founding agreements mentioned in the National Land Transport Transition Act, 2000.
- Clause 10: This clause sets out the requirements for a founding agreement for a transport authority.
- Clause 11: This clause states the powers of transport authorities.
- Clause 12: This clause sets out the ancillary powers of transport authorities.
- Clause 13: The principle around the governance of transport authorities is set out in this clause.
- Clause 14: The finances of core cities are reaffirmed as being subject to the Urban Transport Act, 1977.
- Clause 15: The finances of transport authorities are discussed in this clause.

- Clause 16:** This clause indicates how a transport authority may obtain a loan with the permission of the MEC.
- Clause 17:** This clause allows a core city or a municipality to make by-laws in accordance with an approved integrated transport plan.
- Clause 18:** This clause allows the MEC to make appropriations to further the purposes of this Act in accordance with the various categories.
- Clause 19:** This clause covers the principles around the dissolution of transport authorities.
- Clause 20:** This clause allows for transport executives to be formed according to the founding agreement of transport authorities to deal with a number of matters including the professional, technical, administrative and other work related to transport authorities.
- Clause 21:** Two or more transport authorities according to this clause may form joint transport executives.
- Clause 22:** The governing body of a transport authority may delegate certain powers and functions in terms of this clause.
- Clause 23:** This clause limits the power of delegation of the governing body of a transport authority.
- Clause 24:** This clause indicates how transport and land use planning should be integrated in terms of this Act.

- Clause 25: The various types of plans required in terms of this Act are listed in this clause.
- Clause 26: This clause ensures that planning authorities also draws up the various plans required:
- Clause 27: The provincial land transport framework must be prepared by the MEC for Public Transport, Roads and Works in terms of this clause.
- Clause 28: Planning authorities in terms of this clause must prepare current public transport records.
- Clause 29: Operating licenses strategies must be prepared by planning authorities in terms of this clause.
- Clause 30: Rationalisation plans have to be prepared for public transport services being operated in terms of a subsidy within the jurisdiction of planning authorities.
- Clause 31: Transport authorities, core cities and any other municipality in terms of this clause must prepare public transport plans.
- Clause 32: Transport authorities, core cities and any other specified municipality must prepare integrated transport plans.
- Clause 33: The national Minister of transport must approve commuter rail components of transport plans until the devolvement of the function to lower sphere of government.

Clause 34: Transport plans and substantial changes in land use and public transport infrastructure and services must be published in the Provincial Gazette.

Clause 35: The Gauteng Transport Consultative Forum is established in terms of this clause.

Clause 36: The Gauteng Transport Co-ordination Committee is established in terms of this clause.

Clause 37: A joint planning structure may be formed by the MEC, in collaboration with core cities, transport authorities and other municipalities, to deal with common transport planning matters.

Clause 38: This clause deals with the repeal of certain Acts and the replacement of certain sections.

Clause 39: This clause allows the MEC to create offences and sets out the maximum penalties that may be imposed in terms of this Act.

Clause 40: The State is bound by this Act.

Clause 41: This clause provides for the short title and commencement of this Act.

WETSONTWERP

Om 'n raamwerk vir geïntegreerde beplanning en verskaffing van 'n vervoerstelsel in die Provinsie te verskaf; om voorsiening te maak vir stigtingsooreenkomste vir vervoerowerhede en die instelling daarvan; om voorsiening te maak vir die beheer van vervoerowerhede met inbegrip van die finansies van sodanige owerhede; om voorsiening te maak vir die opstel van verskillende vervoerplanne; om die Gautengse Raadplegende Vervoerforum en die Gautengse Vervoerkoördineringskomitee in te stel; om voorsiening te maak vir die herroeping van die Gautengse Wet op Vervoerraamwerk, 1998; en om voorsiening te maak vir sake in verband daarmee.

Daar word soos volg bepaal deur die Provinsiale Wetgewer van Gauteng:

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HOOFSTUK 1

INLEIDENDE BEPALINGS

1. Definisies

In hierdie Wet, tensy die konteks anders aandui, beteken-

“beplanningsowerheid” enige liggaam wat ingevolge artikel 26 vervoerplanne moet opstel;

“demonstrasieprojek” ‘n vervoerprojek wat verband hou met die doelstellings van hierdie Wet en wat ‘n nuwe idee demonstreer of toets en waaraan ‘n vervoerowerheid of die Departement moontlik ‘n hoër vlak van befondsing kan gee;

“Departement” die departement wat vir vervoersake in die Provinsie verantwoordelik is;

“geïntegreerde vervoerplan” ‘n plan wat deur middel van ‘n voorgeskrewe proses deur ‘n vervoer- of beplanningsowerheid opgestel is betreffende die regulering, verskaffing, gebruik en bestuur van voervoerinfrastruktuur, -bedrywighede en -dienste;

“gesamentlike uitvoerende vervoerbestuur” die instelling wat ingevolge artikel 21 ingestel is;

“gesubsidieerde dienskontrak” ‘n kontrak, buiten ‘n interimkontrak of ‘n lopende getenderde kontrak, aangegaan tussen ‘n vervoerowerheid en ‘n operateur van openbare vervoer om ‘n geskeduleerde diens, soos bepaal in ‘n

openbarevervoerplan, te bedryf en ingevolge waarvan die operateur van openbare vervoer benewens die passasiersreisgeld wat betaal word, finansiële ondersteuning ingevolge 'n getenderde kontrak ontvang;

“Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996);

“hierdie Wet” sluit die regulasies in wat ingevolge hiervan uitgevaardig is;

“infrastruktuur” die voorraad vastekapitaaltoerusting en -fasiliteite in die vervoerstelsel;

“interimkontrak” 'n interimkontrak soos omskryf in die National Land Transport Transition Act, 2000 (Act No. 22 of 2000);

“kernstad” 'n munisipaliteit wat ingevolge artikel 4 van die Wet op Stedelike Vervoer, 1977 (Wet No. 78 van 1977) as die kernstad van die Metropolitaanse Vervoergebied aangewys is;

“langafstanddiens” 'n geskeduleerde of ongeskeduleerde openbare vervoerdiens, buiten 'n pendeldiens, wat per pad bedryf word, verskaf word oor die grens van die gebied wat deur 'n vervoerplan gedek word en waar passasiers individueel reisgeld betaal;

“lopende getenderde kontrak” 'n lopende getenderde kontrak soos omskryf in die National Land Transport Transition Act, 2000 (Act No. 22 of 2000);

“LUR” die Lid van die Uitvoerende Raad wat vir vervoer in die Provinsie verantwoordelik is;

“metropolitaanse vervoergebied” 'n metropolitaanse vervoergebied wat ingevolge artikel 3 van die Wet op Stedelike Vervoer, 1977 (Wet No. 78 van 1977) ingestel is;

“Minister” die Minister van Vervoer in die nasionale Regering;

“munisipaliteit” enige vorm van plaaslike regering wat in Hoofstuk 7 van die Grondwet bedoel word;

“National Land Transport Transition Act” die National Land Transport Transition Act, 2000 (Act No. 22 of 2000);

“ongeskeduleerde diens” 'n openbare vervoerdiens wat per pad op 'n spesifieke roete of, waar van toepassing, binne 'n spesifieke gebied sonder 'n tydtafel bedryf word en waar passasiers individueel reisgeld betaal.

“openbare vervoerdiens” 'n diens vir die vervoer van passasiers per pad of per spoor, ongeag of die diens onderworpe is aan 'n kontrak of nie, en waar

die diens verskaf word vir reisgeld of ander beloning of vergoeding, insluitende enige diens wat

- (a) 'n geskeduleerde diens;
- (b) 'n huurdiens;
- (c) 'n langafstanddiens;
- (d) 'n metertaxidiens;
- (e) 'n ongeskeduleerde diens insluitende 'n minibustaxitipe diens;
- (f) 'n personeeldiens,
- (g) 'n spoordiens;
- (h) 'n toeristediens;

is, moet die term **"openbare vervoer"**, behalwe waar dit klaarblyklik onvanpas is, dienooreenkomstig geïnterpreteer word;

"operateur van openbare vervoer" 'n persoon of regspersoon wat 'n openbare vervoerdiens, soos omskryf in die National Land Transport Transition Act, 2000 (Act No. 22 of 2000), as besigheid bedryf;

"Provinsiale Koerant" die Gauteng Provinsiale Koerant;

"provinsiale landvervoerraamwerk" 'n provinsiale landvervoerraamwerk bedoel in artikel 27;

"Provinsie" die provinsie Gauteng;

"raad" die Bedryfslisensieringsraad wat in die National Land Transport Transition Act, 2000 (Act No. 22 of 2000) omskryf word;

"raamwerk" 'n omlýning van die struktuur waarbinne en die vorm waarvolgens 'n plan, beleid of strategie vasgestel en ontwikkel word;

"reisaanvraagbestuur" 'n stel aksies om die kapasiteit van 'n vervoerstelsel vir die beweging van mense en goedere te maksimeer deur die voertuigokkupansie te verhoog, prioriteitsmaatreëls vir openbare vervoer te ontwikkel, reis gedurende nie-spitstye aan te moedig, aanvraag tussen modusse rond te skuif, die ruimte wat vir parkeerplek beskikbaar is te beperk, die prys van parkeerplek aan te pas, en ander paslike maatreëls te tref; en

"uitvoerende vervoerbestuur" die instelling wat ingevolge artikel 21 ingestel word;

“vervoerowerheid” ‘n owerheid bedoel in artikel 8;

“voorgeskrif” voorgeskryf deur die LUR by regulasie in die Provinsiale Koerant;

2. Verwantskap van hierdie Wet met die National Land Transport Transition Act, 2000

Hierdie Wet moet saam met die **National Land Transport Transition Act, 2000** gelees word.

HOOFSTUK 2

BEVOEGDHEDE EN PLIGTE VAN DIE LUR

3. Bevoegdhede van die LUR

Die LUR mag:

- (a) vervoernavorsing en demonstrasieprojekte finansier en onderneem;
- (b) ondersoek instel na en enige stappe doen oor sake wat ‘n invloed het of kan hê op die vervoerstelsel in die Provinsie insluitende maar nie beperk nie tot –
 - (i) die beweging van persone en goedere in ‘n spesifieke gebied;
 - (ii) die bestaande en die beplande vervoerinfrastruktuur in ‘n spesifieke gebied;
 - (iii) geïntegreerde vervoerbeplanning;
- (c) na oorleg met die betrokke LUR en, waar nodig, die verantwoordelike Nasionale Minister, ondersoek instel na en enige stappe doen oor sake wat ‘n invloed het of kan hê op die vervoerstelsel in die Provinsie, met inbegrip van maar nie beperk nie tot –
 - (i) vervoerontwikkeling wat moontlik ‘n impak op die natuurlike omgewing kan hê;
 - (ii) vervoerbeplanningsake wat verband hou met ekonomiese en grondgebruikbeplanning;
 - (iii) die grondslag waarop vervoer in ‘n gebied befonds behoort te word;

- (d) die stappe doen wat nodig is om koördinerings tussens vervoerowerhede en ander beplanningsowerhede in die provinsie, of tussens sodanige owerhede en die Provinsie, te bevorder met die oog daarop om duplisering te vermy;
- (e) nadat die goedkeuring van die LUR wat verantwoordelik is vir vervoer in 'n naburige provinsie verkry is, ondersoek instel na die vervoerkenmerke van 'n naburige gebied wat 'n invloed het of moontlik kan hê op die vervoerstelsel van die Provinsie;
- (f) na oorlegpleging met vervoerowerhede, maatreëls voorskryf vir die doel van die bestuur van vervoeraanvraag;
- (g) inligting in verband met vervoersake in die Provinsie, wat die vordering met die implementering van nasionale en provinsiale beleid weerspieël, met inbegrip van data wat nodig is vir die jaarlikse assessering van maatstawwe om werkverrigting te meet, insamel en versprei;
- (h) 'n inligting- en verslagleweringstelsel vir openbare vervoer ontwikkel en in stand hou;
- (i) maksimum en minimum reësgeld vir gesubsidieerde openbare spoorvervoer vasstel indien die Minister die spoorfunksie aan die Provinsie toegewys het;
- (j) deur kennisgewing in die Provinsiale Koerant, norme en standaarde stel ten opsigte van sake wat met die bedryf van gesubsidieerde openbare vervoerdienste per pad en verwante infrastruktuur verband hou, in die mate waarin hierdie funksie aan die Provinsie toegewys is;
- (k) beplanningsowerhede wat nie die nodige personeel of kapasiteit het nie, bystaan in die uitvoering van die funksies wat kragtens hierdie Wet aan hulle toegewys is;
- (l) ooreenkomste met ander provinsies aangaan oor die interprovinsiale beweging van voertuie wat vir openbare passasierspadvervoerdienste en verwante sake gebruik word;
- (m) voorlopige stappe doen voor ingryping ingevolge artikel 139 van die Grondwet plaasvind ten einde nakoming van enige funksie van 'n kernstad of vervoerowerheid te verseker, wat moontlik kan insluit dat daar van die kernstad of vervoerowerheid vereis word om verslag te doen oor die vordering wat dit gemaak het met die uitvoering van sodanige funksies en om die stappe uiteen te sit wat dit voornemens is om te doen om tekortkominge in die nakoming van die funksies wat voorgekom het, reg te stel;

- (n) waar die Provinsie by die inwerkingtreding van hierdie Wet, besig was met beplanning van ander openbare vervoer buiten die dienste bedoel in artikel 26(4), met die betrokke beplanningsowerhede reëlings tref vir die oordrag van die beplanningsfunksies na die betrokke beplanningsowerhede soos onderling ooreengekom; en
- (o) enige ander taak uitvoer of navraag doen oor enige ander saak wat binne die doelstellings van hierdie Wet val;

mits enige vervoerbeplanningsondersoeke en -stappe kragtens hierdie Wet versoenbaar is met provinsiale ontwikkelingsbeplanning in die Provinsie.

4. Pligte van die LUR

Die LUR moet:

- (a) uitvoering gee aan die goedgekeurde provinsiale vervoerbeleid soos van tyd tot tyd gewysig;
- (b) waar toepaslik, die implementering van provinsiale vervoerbeleid binne die sfeer van ander regeringsliggame bevorder;
- (c) die implementering van vervoerbeleid moniteer, ondersoeke doen oor kwessies wat voortspruit uit die implementering van die beleid en die nodige beleidsaanpassings maak;
- (d) strukture en meganismes vir kommunikasie en skakeling daarstel om 'n gekoördineerde benadering tot die verskaffing van vervoerinfrastruktuur en -dienste te verseker;
- (e) openbare vervoer bevorder sodat –
 - (i) dit doeltreffend is om aan gebruikers se behoeftes te voldoen;
 - (ii) dit doeltreffend werk wat die gebruik van hulpbronne betref;
 - (iii) die dienste wat verskaf word, van aanvaarbare gehalte is vir en geredelik toeganklik is vir algemene gebruikers en bedryf word tesame met doeltreffende infrastruktuur wat teen redelike koste verskaf word;
 - (iv) veiligheid hoë prioriteit geniet in die bedryf van openbare vervoerdienste;
- (f) die ontwikkeling van openbare vervoer bevorder op 'n manier wat-
 - (i) nasionale en internasionale standaarde en die beste praktyk in ag neem;

- (ii) die veiligheid van passasiers binne oorkoepelende landvervoerdoelstellings in die hand werk;
 - (iii) doeltreffende, mededingende en besigheidsgedrag in die verskaffing van openbare passasierspadvervoer aanmoedig;
 - (iv) 'n strategiese en geïntegreerde benadering tot die verskaffing van openbare passasierspadvervoer in die hand werk deur die integrering van die fasiliteite, infrastruktuur en dienste van openbare passasierspadvervoer;
- (g) die doeltreffende gebruik van energiehulpbronne aanmoedig en nadelige omgewingsimpakte beperk waar sulke sake met vervoer verband hou;
- (h) daarna streef om seker te maak dat fondse wat deur die Provinsie en vervoerowerhede vir openbare vervoer verskaf word, op 'n doeltreffende, kostedoeltreffende, verantwoordbare en deursigtige manier aangewend word.

5. Delegasie deur die LUR

Die LUR kan enige bevoegdheid of plig wat aan hom of haar opgedra of opgelê is aan enige kernstad, vervoerowerheid of Hoof van die Departement deleger of toewys, behalwe die bevoegdheid om regulasies uit te vaardig.

6. Regulasies

- (1) Die LUR mag:
- (a) regulasies uitvaardig met betrekking tot die sake bedoel in hierdie Wet met inbegrip van maar nie beperk nie tot:
 - (i) die manier waarop kernstede of vervoerowerhede hulle bevoegdhede en pligte kan uitvoer;
 - (ii) die vorm en manier waarop geïntegreerde vervoerplanne en jaarverslae opgestel moet word en die program vir die voorlegging daarvan aan die LUR;
 - (iii) die implementering en monitering van geïntegreerde vervoerplanne;
 - (iv) die insameling van data en inligting oor vervoer;
 - (v) die daarstelling en instandhouding van 'n geïntegreerde inligtingstelsel;

- (vi) faktore van provinsiale belang wat in ag geneem moet word by die opstel van 'n geïntegreerde vervoerplan;
- (vii) die koördinerings van spoor-, bus- en taxivervoerbepanning en pad- en spoorwette regdeur die Provinsie;
- (viii) die integrering van openbare vervoermodusse en -dienste;
- (ix) voorsiening vir die samewerking tussen kernstede, vervoerowerhede of munisipaliteite by die opstel van geïntegreerde vervoerplanne of die onderneming van gesamenlike projekte, en die gesamentlike befondsing van hierdie planne en projekte;
- (x) voorsiening vir die publikasie van geïntegreerde vervoerplanne en prosedures vir openbare deelname wat onderneem moet word vir die opstel, hersiening of bywerking van hierdie planne;
- (xi) die toepassing van maatreëls om skade aan paaie deur oorlaaide voertuie te voorkom;
- (xii) die reël en beheer van openbare vervoer;
- (xiii) padveiligheidsstandaarde;
- (xiv) die ontwerp, verskaffing, instandhouding en bedryf van vervoerinfrastruktuur en die reël van die gebruik daarvan;
- (xv) die instelling van strukture en meganismes vir kommunikasie en skakeling;
- (xvi) die koördinerings van en samewerking tussen wetstoepassingsagentskappe in die plaaslike en provinsiale sferes van die regering;
- (xvii) die tariewe en reistoelaes, as daar is, wat gehef of betaal word ten opsigte van enige aksie wat kragtens hierdie Wet vereis of gemagtig word;
- (xviii) die toesig oor en bestuur van subsidies vir openbare vervoer en ander finansiële steunstelsels vir openbare vervoer; en
- (xix) die integrering van vervoersake met grondgebruikbepanning van munisipaliteite met inbegrip

van die ontwikkeling en bevordering van spesifieke vervoerkoridors en -nodusse;

- (b) verskillende regulasies vir verskillende vervoergebiede of dele daarvan in die Provinsie uitvaardig;
 - (c) regulasies met betrekking tot norme en standaarde vir vervoer in die Provinsie uitvaardig; en
 - (d) regulasies uitvaardig oor provinsiale vereistes betreffende enige ander saak wat na die LUR se mening noodsaaklik of raadsaam vir die uitvoering van die bepalings en doelstellings van hierdie Wet is.
- (2) Enige regulasie betreffende sake bedoel in subartikel (1) wat kragtens enige vorige wet uitgevaardig is en van krag was onmiddellik voor die inwerkingtreding van hierdie Wet, word vir die doeleindes van hierdie Wet beskou as regulasies wat ingevolge daardie subartikel uitgevaardig is tot tyd en wyl die LUR 'n vervangende regulasie ingevolge hierdie artikel uitvaardig.

HOOFSTUK 3

TOEPASLIKHEID VAN DIE WET OP STEDELIKE VERVOER

7. Voortgesette gelding van die Wet op Stedelike Vervoer

Totdat 'n munisipaliteit 'n vervoerowerheid kragtens die National Land Transport Transition Act, 2000 gevorm het en sodanige munisipaliteit binne die grense van 'n Metropolitaanse Vervoergebied val, bly die Wet op Stedelike Vervoer, 1977 (Wet No. 78 van 1977) van krag vir daardie spesifieke gebied en sal die status van 'n ingestelde Metropolitaanse Vervoergebied en kernstad onveranderd bly.

HOOFSTUK 4

VORMING VAN VERVOEROWERHEDE

8. Ooreenkomste oor die vorming van vervoergebiede en vervoerowerhede

- (1) Vervoerowerhede mag vir vervoergebiede ingestel word slegs soos bepaal in hierdie Wet en in Deel 5 van die National Land Transport Transition Act, 2000.

- (2) Die partye by 'n stigtingsooreenkoms kan ooreenkom om die grense van die betrokke vervoergebied te wysig op voorwaarde dat indien sodanige wysiging die gebied van 'n addisionele munisipaliteit insluit, die vervoerowerheid, indien dit reeds ingestel is, ingevolge artikel 20 ontbind en opnuut saamgestel moet word.

9. Verklaring van vervoergebiede en instelling van vervoerowerhede

- (1) Nie later nie as 30 dae na die sluiting van 'n ooreenkoms waarna in artikel 8 verwys word, moet die LUR deur kennisgewing in die Provinsiale Koerant:
 - (a) die stigtingsooreenkoms, wat moet voldoen aan die vereistes van artikel 10, publiseer;
 - (b) die betrokke gebied tot 'n vervoergebied verklaar en die naam waarop daar in die ooreenkoms ooreengekom is, daaraan toewys;
 - (c) waar van toepassing, op die manier wat daar in artikel 3(1)(c) van die Wet op Stedelike Vervoer, 1977 (Wet No. 78 van 1977) bepaal word, die kennisgewing ingevolge waarvan die gebiede van die betrokke munisipaliteite onder paragraaf (a) of (b) van artikel 3(1) van daardie Wet in die betrokke Metropolitaanse Vervoergebied ingesluit is, terugtrek;
 - (d) ooreenkomstig met en onderworpe aan die stigtingsooreenkoms, 'n vervoerowerheid vir daardie vervoergebied instel met ingang van die datum wat vir daardie doel in die stigtingsooreenkoms gespesifiseer is.
- (2) Nadat dit so gepubliseer is, het 'n stigtingsooreenkoms wetlike krag en geen wysiging daarvan het enige wetlike krag of uitwerking voordat die wysiging deur die LUR deur kennisgewing in die Provinsiale Koerant gepubliseer is nie.

10. Vereistes vir stigtingsooreenkomste

Die stigtingsooreenkoms moet vir die volgende voorsiening maak:

- (a) 'n verklaring deur die kontrakterende partye wat hulle instemming tot die instelling van 'n vervoerowerheid vir die betrokke vervoergebied bevestig;
- (b) die naam wat aan die vervoergebied toegewys gaan word;
- (c) die datum waarop daardie vervoerowerheid ingestel staan te word;

- (d) die instelling en struktuur van 'n beheerliggaam vir daardie vervoerowerheid, insluitende-
- (i) die aantal lede daarvan en die manier waarop hulle aangewys en aangestel gaan word maar slegs raadslede van kontrakterende partye (hierna 'n deelnemende munisipaliteit genoem) mag as lede van die beheerliggaam aangewys en aangestel word;
 - (ii) die aanwysing en aanstelling van 'n voorsitter en ondervoorsitter vir die beheerliggaam;
 - (iii) stemprosedure en lede se stemregte by vergaderings van die beheerliggaam en enige komitee daarvan en meganismes en prosedures om 'n dooie punt in die besluitnemingsproses op te los;
 - (iv) die aanstelling of aanwysing van 'n hoof uitvoerende beambte vir die vervoerowerheid, en die verantwoordelikhede, funksies en bevoegdhede wat met die amp gepaardgaan;
 - (v) die bevoegdhede van die beheerliggaam wat aan enigeen van sy lede, komitees of aan die hoof uitvoerende beambte van daardie vervoerowerheid gedelegeer mag word; en
 - (vi) die setel van daardie vervoerowerheid en vir vergaderings van sy beheerliggaam;
- (e) die fisiese adres vir aflewering, versending of bediening van alle korrespondensie, dokumente, kennisgewings en hofproses wat aan die vervoerowerheid gerig word;
- (f) in die geval waar die vervoergebied uit die jurisdiksiegebiede van twee of meer deelnemende munisipaliteite bestaan-
- (i) die bydrae van elke deelnemende munisipaliteit tot die befondsing van daardie vervoerowerheid; en
 - (ii) die uitvoering van die professionele, tegniese, administratiewe en ander werk betreffende die uitvoering van die bevoegdhede en funksies van die vervoerowerheid kragtens hierdie Wet;
 - (iii) onderworpe aan hierdie Wet, die vereistes wat nagekom en die prosedures wat gevolg moet word deur 'n deelnemende munisipaliteit wat aan die vervoerowerheid wil onttrek met inagneming van die uitstaande verpligtinge en aanspreeklikhede van daardie owerheid ten tye van sodanige onttrekking; en

- (iv) die prosedure wat gevolg moet word vir die vrywillige ontbinding van daardie vervoerowerheid, onderworpe aan artikel 10(13) van die National Land Transport transition Act;
- (g) die reëlins wat getref is vir die uitvoering van die professionele, tegniese, administratiewe, klerklike en ander werk van die vervoerowerheid ingevolge artikels 20 en 21.

HOOFSTUK 5

BEVOEGDHEDE EN FUNKSIES VAN VERVOEROWERHEDE

11. Bevoegdhede van vervoerowerhede

- (1) 'n Vervoerowerheid mag die volgende funksies verrig, onderworpe aan wetgewing van toepassing op munisipaliteite:
 - (a) onderhandel met operateurs van gesubsidieerde dienste oor reisgeldstrukture, reisgeldvlakke, en konsessiereisgeld vir spesiale kategorieë openbarevoervoerpassasiers en die periodieke aanpassing van reisgeld;
 - (b) in die geval van gesubsidieerde dienste, bepaal reisgeldstrukture en reisgeldvlakke, en konsessiereisgeld vir spesiale kategorieë passasiers en pas reisgeld periodiek in oorleg met belanghebbendes aan mits die LUR die subsidiefunksie aan die vervoerowerheid gedelegeer of toegewys het;
 - (c) in die geval van ongesubsidieerde openbare vervoerdienste, stel reisgeld vas;
 - (d) bou vervoerinfrastruktuur en hou dit in stand;
 - (e) onderneem die bestuur van reisaanvraag;
 - (f) bevorder sekuriteit in openbare vervoer;
 - (g) stel tenderspesifikasies op en vra, evalueer en ken tenders toe vir gekontrakteerde openbare vervoerdienste, op voorwaarde dat die toekenning van tenders onderworpe is aan toepaslike tenderprosedures;
 - (h) bevorder en fasiliteer die instelling van geïntegreerde kaartjestelsels en bepaal maatreëls vir die reël en beheer van inkomstedeling tussen die operateurs wat in daardie stelsel betrokke is, of skryf dit voor;

- (i) onderneem die algehele bestuur van die vervoerstelsel;
 - (j) koördineer die reëling en samewerking tussen toepassingsinstansies ten opsigte van verkeer- en vervoersake;
 - (k) pas verkeerbestuurstechnieke gerig op verbeterde verkeersbeweging toe;
 - (l) ontwikkel en bedryf 'n vervoer-inligtingstelsel en hou dit in stand in samewerking met die LUR;
 - (m) pas maatreëls toe om skade deur oorlaaide voertuie aan paaie te voorkom;
 - (n) onderneem die publisiteit wat gepaard gaan met die voorsiening van vervoerdienste;
 - (o) verskaf inligting oor openbare vervoer aan bestaande en potensiële passasiers;
 - (p) fasiliteer openbare deelname deur verhore, werkwinkels en ander middele om kommunikasie met gemeenskappe en operateurs te verseker;
 - (q) oefen beheer uit oor dienslewering deur-
 - (i) die stel van operasionele en tegniese standaarde en die monitering van die nakoming daarvan;
 - (ii) die monitering van kontrakte en konsessies;
 - (r) ontwikkel, implementeer en monitor 'n strategie om die nadelige impak van die landvervoerstelsel op die omgewing te voorkom of tot die minimum te beperk; en
 - (s) na ooreenkoms met die betrokke deelnemende munisipaliteite-
 - (i) neem funksies betreffende munisipale paaie oor; en
 - (ii) pas maatreëls toe om skade aan die padstelsel in daardie deel van die vervoergebied te beperk.
- (2) 'n Vervoerowerheid mag, met die toestemming van die LUR, enige bevoegdheid wat deur hierdie Wet aan hom opgedra is, aan enige lid of beampte van die owerheid of van deelnemende munisipaliteite deleger.

- (3) 'n Vervoerowerheid mag ondersoek instel na enige saak wat binne die bestek van hierdie Wet en sy vervoergebied en, met die toestemming van die betrokke owerheid, in enige gebied buite sy vervoergebied val.
- (4) 'n Vervoerowerheid mag die onbesette deel van grond of enige gebou wat dit bekom het aan enige persoon verhuur en moet die netto opbrengs daarvan in sy rekening of reserwefonds inbetaal.
- (5) Waar openbarevervoergeriewe op privaateiendom geleë is, mag die vervoerowerheid die gebruik van die geriewe beheer na oorleg met die eienaar van die eiendom.
- (6) 'n Vervoerowerheid mag enige stap doen wat nodig is om dit in staat te stel om sy funksies kragtens hierdie Wet te vervul asook enige stap wat bykomstig of aanvullend tot of voortspruitend uit hierdie Wet is.
- (7) Die LUR en 'n vervoerowerheid mag ooreenkom:
 - (a) dat verskillende funksies in landelike gebiede teenoor dié in stedelike gebiede in die betrokke vervoergebied onderneem word ;

of
 - (b) in die geval van 'n kategorie-C-munisipaliteit, soos bedoel in artikel 155(1)(c) van die Grondwet, wat 'n deelnemende munisipaliteit is, dat verskillende funksies binne die jurisdiksiegebiede van die Kategorie B munisipaliteite in die betrokke gebied onderneem kan word, teenoor buite sodanige gebiede.
- (8) Die vervoerowerheid moet, met die oog daarop om gekoördineerde vervoerwetstoepassing binne sy gebied te verseker, gereeld met die Suid-Afrikaanse Polisie, die toepaslike provinsiale en munisipale wetstoepassingsowerhede of -agentskappe en die inspekteurs wat ingevolge die Wet op Oorgrenspadvervoer, 1998 (Wet No. 4 van 1998) aangestel is, skakel.
- (9) 'n Vervoerowerheid mag, met instemming van 'n deelnemende munisipaliteit, medeverantwoordelikheid aanvaar vir of die deelnemende munisipaliteit bystaan met die toepassing van verkeerbestuurstechnieke wat daarop gemik is om padverkeerbeweging te verbeter.
- (10) Onderworpe aan wetgewing van toepassing op munisipaliteite, moet 'n vervoerowerheid die funksies wat deur hierdie Wet daaraan toegewys is, uitvoer en mag dit met die instemming van die LUR:

- (a) die optimale gebruik van die beskikbare reismodusse bevorder om die doeltreffendheid van die vervoerstelsel te verhoog en reistyd en -koste te verminder; en
 - (b) betalings doen aan operateurs van openbare vervoer wat openbare vervoerdienste ingevolge gesubsidieerde dienskontrakte en konsessiereisgeldooreenkomste waartoe dit verbind is, bedryf, indien die LUR hierdie funksie aan die owerheid gedelegeer of toegewys het.
- (11) (a) Indien 'n vervoerowerheid-
- (i) versuim om sy funksies ingevolge subartikel (1) uit te voer;
 - (ii) 'n funksie bedoel in subartikel (7) onderneem het en versuim om dit uit te voer; of
 - (iii) versuim om enige funksie behoorlik en doeltreffend ooreenkomstig hierdie Wet en toepaslike provinsiale wette uit te voer,
- kan die LUR daardie owerheid deur skriftelike kennis aan die hoof uitvoerende beampste van die beheerliggaam van die vervoerowerheid beveel om sy versuim reg te stel en die betrokke funksie nie later nie as die datum genoem in die kennisgewing, uit te voer of om dit behoorlik en doeltreffend uit te voer, na gelang van die geval.
- (b) Daarna is die beheerliggaam en die hoof uitvoerende beampste verantwoordelik om seker te maak dat daar spoedig uitvoering gegee word aan die opdrag.
 - (c) Indien die vervoerowerheid nalaat om sy versuim binne die tydperk wat in die kennisgewing daarvoor toegelaat is, reg te stel, kan die LUR
 - (i) voorlopige stappe doen voordat ingryping ingevolge artikel 139 van die Grondwet plaasvind ten einde uitvoering van enige funksie van 'n kernstad of vervoerowerheid te verseker, wat kan insluit dat daar van die kernstad of vervoerowerheid vereis word om verslag te doen oor die vordering wat gemaak is met die uitvoering van sodanige funksies en om die voorgenome aksies te omskryf wat dit sal neem om enige tekortkominge wat in die uitvoering van sy funksies voorgekom het, reg te stel; en

- (ii) geld uit die provinsiale inkomstefonds wat bestem is om aan die vervoerowerheid toegewys te word, gebruik om die koste wat voortspruit uit die neem van hierdie stappe te betaal, of daardie koste van die vervoerowerheid verhaal.
- (12) Elke vervoerowerheid moet 'n jaarverslag vir die LUR opstel soos voorgeskryf en hy moet dit in die Provinsiale Wetgewer ter tafel lê.

12. Bykomende bevoegdhede van vervoerowerhede

- (1) 'n Vervoerowerheid kan 'n ooreenkoms met 'n munisipaliteit, persoon of instelling binne of buite sy vervoergebied aangaan ingevolge waarvan:
- (a) die vervoerowerheid namens daardie munisipaliteit, persoon of instelling onderneem om 'n bevoegdheid uit te oefen of 'n plig uit te voer wat daardie munisipaliteit, persoon of instelling mag uitoefen of veronderstel is om uit te voer; en
 - (b) daardie munisipaliteit, persoon of instelling onderneem om enige funksie of plig van 'n vervoerowerheid of 'n gedeelte daarvan namens daardie vervoerowerheid kragtens hierdie Wet uit te oefen of uit te voer.
- (2) Die vervoerowerheid mag slegs 'n ooreenkoms bedoel in subartikel (1) aangaan indien dit kragtens hierdie Wet en toepaslike vervoerwetgewing bevoeg is om dit of 'n soortgelyke bevoegdheid of funksie met betrekking tot sy vervoergebied uit te oefen of uit te voer
- (3) 'n Ooreenkoms ingevolge subartikel (1) kan die aanwending van fondse van 'n vervoerowerheid buite sy vervoergebied meebring, indien die LUR en die Lid van die Uitvoerende Raad wat vir finansies verantwoordelik is, albei saamstem.
- (4) Benewens die bevoegdhede wat kragtens hierdie Wet en enige provinsiale wette aan 'n vervoerowerheid opgedra is, kan 'n vervoerowerheid enige wetlike stap uitvoer of enigiets doen wat 'n regspersoon volgens wet bekwaam is om uit te voer of te doen, behalwe insoverre as wat dit strydig is met hierdie Wet.

13. Beheer van vervoerowerhede

- (1) Die beheerliggaam verteenwoordig die vervoerowerheid en alle aksies wat deur die beheerliggaam of enigiemand wat deur daardie liggaam behoorlik daartoe gemagtig is om in sy plek op te tree, uitvoer, is die aksies van daardie owerheid.

HOOFSTUK 6**FINANSIES VAN KERNSTEDE EN VERVOEROWERHEDE****14. Finansies van kernstede**

Die finansies van kernstede in verband met hierdie Wet moet bestuur word kragtens die bepalings van die Wet op Stedelike Vervoer, 1977 (Wet No. 78 van 1977).

15. Finansies van vervoerowerhede**(1) (a) 'n Vervoerowerheid moet-**

(i) nie later nie as drie maande voor die einde van elke finansiële jaar 'n begroting opstel wat 'n staat van geraamde inkomste en uitgawe vir die volgende finansiële jaar bevat; en

(ii) sodanige begroting op die datum wat deur die LUR bepaal sal word vir goedkeuring aan die deelnemende munisipaliteite voorlê;

maar daardie owerheid mag te eniger tyd in die loop van 'n finansiële jaar 'n aanvullende begroting vir daardie finansiële jaar vir goedkeuring aan die munisipaliteite voorlê.

(b) Die vervoerowerheid mag geen uitgawe aangaan wat meer is as die totale bedrag van die begroting, insluitende 'n aanvullende bedrag, wat deur die munisipaliteite ingevolge paragraaf (a) goedgekeur is nie.

(c) 'n Vervoerowerheid mag 'n reserwefonds instel vir enige doel wat verband hou met sy funksies kragtens hierdie Wet en deur die LUR goedgekeur is, en aan die reserwefonds die geld toewys wat vir daardie doel in die begroting beskikbaar gestel is, insluitende enige aanvullende begroting wat ingevolge paragraaf (a) goedgekeur is.

(2) Die hoof uitvoerende beampste van 'n vervoerowerheid moet:

(a) behoorlike rekeningkundige rekords ooreenkomstig algemeen aanvaarde rekeningkundige praktyk en prosedure hou;

en

- (b) seker maak dat die rekeningkundige rekords 'n inkomsterekening insluit van alle geld wat die vervoerowerheid toeval en die uitgawes wat daardie owerheid aangaan.

16. Lenings deur vervoerowerhede

'n Vervoerowerheid mag 'n lening aangaan om te help met die implementering van die goedgekeurde geïntegreerde vervoerplan en sodanige lening moet:

- (a) vooraf deur die LUR goedgekeur wees; en
- (b) in die begroting aangetoon word.

17. Verordeninge

(1) 'n Kernstad of die betrokke munisipaliteit mag, op aanbeveling van 'n vervoerowerheid en onderworpe aan subartikel (2), ooreenkomstig enige toepaslike goedgekeurde geïntegreerde vervoerplan verordeninge uitvaardig om:

- (a) die grootte, klas, massa of aantal motorvoertuie wat enige spesifieke gedeelte van sy vervoergebied mag binnekome te reël en die tyd of tye bepaal wanneer enige klas voertuig enige gedeelte mag binnekome;
- (b) die binnekoms van enige klas motorvoertuig in enige gedeelte gedurende enige spesifieke tydperk te reël of te verbied;
- (c) die laai of aflaai van goederemotorvoertuie in enige gedeelte gedurende enige spesifieke tydperk of tydperke te verbied en die tyd of tye bepaal wanneer daar op- of afgelaai mag word;
- (d) die voorsiening van parkeerruimtes vir voertuie in enige gebou of perseel in enige gedeelte gedurende enige spesifieke tydperk te reël of te verbied;
- (e) die gedrag van bestuurders van openbarevervoervoertuie te reël;
- (f) die voorsiening en gebruik van openbarevervoergeriewe te reël; en
- (g) enige ander saak te reël om die doelstellings van hierdie Wet te bevorder.

- (2) Verordeninge wat ingevolge hierdie artikel uitgevaardig is, kan boetes voorskryf wat nie dié wat in artikel 39 vir oortreding of versuim om dit na te kom voorgeskryf is, oorskryf nie.

18. Bewilligings deur Provinsiale Regering

Die LUR mag, onderworpe aan die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 29 van 1999)

1. (a) betalings of toekennings doen soos hy of sy dit nodig ag om provinsiale algemene en spesifieke vervoerdoelstellings te bevorder en om die fondse van kernstede of vervoerowerhede aan te vul, en kan die geld wat so betaal of toegeken word aan die betrokke owerhede toewys;
- (b) betalings kragtens interim-, getenderde of gesubsidieerde dienskontrakte en konsessies of enige ander subsidie-ooreenkoms maak;
- (c) toekennings doen om spesiale kategorieë passasiers te help om die koste van openbare vervoer te dek;
- (d) 'n bydrae maak tot die koste van die voorsiening en instandhouding van vervoerinfrastruktuur;
- (e) betalings of toekennings maak om die koste van padveiligheidsprogramme te dek;
- (f) betalings of toekennings maak om die koste van die invoer van nuwe tegnologie of stelsels te dek;
- (g) betalings of toekennings maak om die koste van demonstrasie- of loodsprojekte te dek;
- (h) betalings of toekennings maak om die koste van die instelling en instandhouding van opleiding- en inligtingentrums te dek;
- (i) betalings of toekennings doen om die koste van die ontwikkeling en instandhouding van databasisse en inligtingstelsels te dek;
- (j) betalings of toekennings maak om die koste van vervoerverwante projekte, studies en navorsing wat nodig is vir die Provinsie om sy funksie te vervul, te dek;
- (k) betalings of toekennings maak vir enige ander doel om die doelstellings van hierdie Wet te bereik.

HOOFSTUK 7**ONTBINDING VAN VERVOEROWERHEDE****19. Ontbinding van vervoerowerhede**

- (1) (a) Onderworpe aan paragraaf (b) van hierdie subartikel, mag 'n vervoerowerheid slegs ontbind word soos bepaal in hierdie artikel; en
- (b) paragraaf (a) van hierdie subartikel raak nie die hoedanigheid van die LUR vir plaaslike regering wanneer daar ingevolge artikel 14 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998) opgetree word nie.
- (2) 'n Vervoerowerheid word kragtens subartikel (1)(a) ontbind indien daar aan die volgende vereistes voldoen word:
 - (a) waar daar net een munisipaliteit is wat aan die vervoerowerheid behoort, die munisipaliteit besluit het om sy deelname aan die vervoerowerheid te beëindig en die LUR skriftelik van die besluit in kennis gestel het;
 - (b) waar daar twee of meer munisipaliteite is wat aan die vervoerowerheid behoort-
 - (i) die betrokke munisipaliteite ooreengekom het om die vervoerowerheid te ontbind en die LUR in kennis gestel het; en
 - (ii) enigeen van daardie munisipaliteite besluit het om deelname aan daardie vervoerowerheid te beëindig en elke munisipaliteit wat dusdanig besluit het die LUR en die ander partye van die besluit in kennis gestel het.
 - (c) die LUR moet, binne 30 dae nadat hy of sy dienoooreenkomstig in kennis gestel is, 'n kennisgewing publiseer in die Provinsiale Koerant en in 'n koerant wat algemeen beskikbaar is in die spesifieke vervoergebied, wat die volgende bevat –
 - (i) die besonderhede van die voorgenome ontbinding;
 - (ii) 'n uitnodiging aan belangstellende partye om kommentaar te lewer en voorleggings te doen met betrekking daartoe; en
 - (iii) 'n versoek aan belangstellende partye om skriftelike kommentaar en voorleggings voor die datum wat in die

kennisgewing voorgeskryf word aan die LUR te stuur, maar 'n tydperk van minstens 30 dae moet toegelaat word vir die ontvangs van kommentaar en voorleggings;

- (d) al die deelnemers aan die vervoerowerheid moet 'n ooreenkoms aangaan waarvolgens reëlins getref word met inagneming van die kommentaar en voorleggings, as daar is, wat in antwoord op die LUR se kennisgewing ingevolge subartikel 19(2)(c) gestuur is betreffende die sake genoem in subartikel 10(13) van die National Land Transport Transition Act, maar die ontbindingsdatum moet so bepaal word dat dit geleentheid bied dat voldoende kennis ooreenkomstig subartikel (4) gegee kan word; en
 - (e) die LUR vir plaaslike regering moet geraadpleeg word in die besluit om 'n vervoerowerheid te ontbind;
- (3) Indien die LUR en die betrokke munisipaliteite wat deelnemers aan die vervoerowerheid is nie daarin slaag om ooreen te kom oor enige van die sake wat in subartikel 19(2) genoem is nie:
- (a) moet die saak deur arbitrasie kragtens die Wet op Arbitrasie, 1965 (Wet No. 42 van 1965) besleg word en die arbiter se bevinding is finaal en bindend; en
 - (b) word die arbiter se bevinding vir die doeleindes van subartikel (2) beskou as deel van die ooreenkoms bedoel in paragraaf (d) van daardie subartikel of, waar van toepassing, as vormende die ooreenkoms.
- (4) Die LUR moet die ontbinding van die vervoerowerheid binne 30 dae van die datum van die ooreenkoms bedoel in subartikel (2) of (3), deur kennisgewing bekend maak in die Provinsiale Koerant en in 'n koerant wat algemeen beskikbaar is in die betrokke vervoerarea, en die bepalinge van die ooreenkoms publiseer, maar die ontbindingsdatum moet so bepaal word minstens 90 dae na die datum van die kennisgewing.

HOOFSTUK 8

UITVOERENDE VERVOERBESTURE

20. Uitvoerende vervoerbesture

- (1) Die deelnemers aan 'n stigtingsooreenkoms mag daarin bepaal :

- (a) dat die professionele, tegniese, administratiewe en ander werk in verband met die uitoefening van bevoegdheide en die uitvoering van pligte van 'n vervoerowerheid kragtens hierdie Wet, deur die munisipale administrasie van een of meer van die deelnemende munisipaliteite vir die vervoerowerheid uitgevoer moet word, of
 - (b) dat die vervoerowerheid 'n liggaam onder sy toesig en onderworpe aan sy beheer instel (hierna 'n uitvoerende vervoerbestuur genoem) om alle werk van daardie aard of enige spesifieke tipe of kategorie van daardie werk vir die vervoerowerheid te doen.
- (2) Waar die stigtingsooreenkoms voorsiening maak vir die instelling van 'n uitvoerende vervoerbestuur:
- (a) mag daar ook in die ooreenkoms voorsiening gemaak word daarvoor dat die vervoerowerheid, indien 'n ander vervoerowerheid dit sou vra, sy uitvoerende vervoerbestuur beskikbaar mag stel om werk van daardie aard vir daardie ander owerheid te doen -
 - (i) ingevolge 'n skriftelike ooreenkoms aangegaan tussen die betrokke vervoerowerhede;
 - (ii) teen 'n tarief of vir die betaling van 'n bedrag wat in die ooreenkoms gespesifiseer word; en
 - (iii) ooreenkomstig met en onderworpe aan die bepalings en voorwaardes neergelê in die stigtingsooreenkoms; en die bepalings en voorwaardes wat spesiaal in daardie ooreenkoms uiteengesit word; en
 - (b) voorsiening moet minstens vir die volgende gemaak word -
 - (i) waar nie al die professionele, tegniese, administratiewe en ander werk van die vervoerowerheid deur die uitvoerende vervoerbestuur gedoen moet word nie, spesifisering van die tipe of kategorie werk vir die uitvoering waarvan die uitvoerende vervoerbestuur verantwoordelikheid sal wees;
 - (ii) die plek waar die kantore van die uitvoerende vervoerbestuur geleë sal wees;
 - (iii) die prosedure om die personeelkomponent van 'n vervoerowerheid te bepaal; en

- (iv) die setel van die mag om sy personeel aan te stel en te ontslaan.

21. Gesamentlike uitvoerende vervoerbesture

- (1) Die LUR en enige twee of meer vervoerowerhede wat deur hulle onderskeie deelnemende munisipaliteite daartoe gemagtig is, mag 'n ooreenkoms aangaan wat voorsiening maak vir die vorming van 'n uitvoerende vervoerbestuur onder die gesamentlike beskerming van daardie vervoerowerhede om die professionele, tegniese, administratiewe en ander werk in verband met hul funksie as vervoerowerheid kragtens hierdie Wet vir elk van hulle te doen (hierna genoem 'n gesamentlike uitvoerende vervoerbestuur).
- (2) In so 'n ooreenkoms moet daar verder minstens voorsiening gemaak word vir:
 - (a) die sake genoem in subartikel 20(2)(b) wat, met die veranderinge vereis deur die konteks, van toepassing is in verband met 'n gesamentlike uitvoerende vervoerbestuur;
 - (b) die bevoegdheid van die deelnemende vervoerowerhede met betrekking tot die uitoefening van toesig en beheer oor hulle gesamentlike uitvoerende vervoerbestuur; en
 - (c) die bydrae van elke deelnemende vervoerowerheid tot die befondsing van hulle gesamentlike uitvoerende vervoerbestuur.

HOOFSTUK 9

DELEGASIE

22. Delegasie deur beheerliggame

Die beheerliggaam van 'n vervoerowerheid kan enige van sy bevoegdhede of funksies kragtens hierdie Wet, behalwe die beheerbevoegdheid bedoel in artikel 13 en die bevoegdheid opgedra deur hierdie artikel, aan enige lid van die beheerliggaam delegeer.

23. Bepalings van toepassing op delegasie

- (1) 'n Delegasie deur die beheerliggaam ingevolge artikel 22:
 - (a) kan gedoen word onderworpe aan enige voorwaardes wat deur die beheerliggaam vasgestel word;

- (b) kan gegee word saam met die bevoegdheid om te subdeleger, onderworpe aan enige voorwaardes wat vasgestel word; en
 - (c) moet skriftelik wees en moet volle besonderhede bevat van die sake wat gedelegeer word en enige voorwaardes verbonde aan die delegasie en, waar die bevoegdheid van subdelegering opgelê word, moet dit dié feit asook enige voorwaardes verbonde daaraan, meld.
- (2) Die beheerliggaam mag te eniger tyd:
- (a) 'n delegasie gedoen ingevolge artikel 22 wysig of herroep; of
 - (b) enige besluit deur 'n gedelegeerde rakende 'n gedelegeerde saak terugtrek en self oor die saak besluit maar 'n besluit deur 'n gedelegeerde mag nie teruggetrek word indien dit 'n reg of geregtigheid aan enige derde party opdra nie.
- (3) Indien die LUR oortuig is dat die belange van landvervoer in die Provinsie of die vervoerarea dit vereis, kan die LUR deur kennisgewing in die Provinsiale Koerant:
- (a) die delegering van enige spesifieke bevoegdheid of funksie verbied, sy dit algemeen of onder die omstandighede wat in die kennisgewing gespesifiseer is;
 - (b) die omstandighede waaronder enige spesifieke bevoegdheid of funksie gedelegeer mag word beperk;
 - (c) voorwaardes vir die delegering van enige spesifieke bevoegdheid of funksie voorskryf; en
 - (d) met betrekking tot enige bevoegdheid of funksie gespesifiseer in die kennisgewing, subdelegering verbied in die geval wanneer die beheerliggaam daardie bevoegdheid of funksie deleger.

HOOFSTUK 10

VERVOERBEPLANNING

24. Algemene vervoerbeplanningsbeginsels en die verwantskap daarvan met grondontwikkeling

- (1) Landvervoerbeplanning moet met die grondontwikkelingsproses geïntegreer wees en die vervoerplanne wat vir daardie doel deur hierdie Wet vereis word, is ontwerp om vorm te gee aan die funksie

van munisipale beplanning wat in Deel B van Lys 4 van die Grondwet genoem word, en moet geakkommodeer word in en 'n weselike deel vorm van geïntegreerde ontwikkelingsplanne met inagneming van artikel 84(1)(a), 84(2) en 84(3) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), en vir daardie doel:

- (a) waar die betrokke beplanningsowerheid 'n munisipaliteit bedoel in artikel 26(1)(c) is, moet die planne genoem in paragrawe (b) tot (f) van subartikel (1) van artikel 25 die vervoercomponent van die geïntegreerde ontwikkelingsplan van die munisipaliteit vorm; en
 - (b) waar die jurisdiksiegebied van 'n munisipaliteit geheel of gedeeltelik in 'n vervoergebied of Metropolitaanse Vervoergebied val, maak die planne genoem in paragrawe (b) tot (f) van subartikel (1) van artikel 25 die vervoercomponent van die geïntegreerde ontwikkelingsplanne van sodanige munisipaliteit uit ten opsigte van daardie deel van sy jurisdiksiegebied wat binne die vervoergebied of metropolitaanse vervoergebied val.
- (2) Onderworpe aan hierdie subartikel, moet landvervoerbeplanning so gedoen word dat dit beide openbare en privaatvervoer en al die tersaaklike landvervoermodesse in die betrokke gebied dek, en dit moet fokus op die mees doeltreffende en ekonomiese manier om van een punt na 'n ander in die stelsel te beweeg.
- (3) Vervoerplanne moet so ontwikkel word dat dit:
- (a) die doeltreffende funksionering van stede, dorpe en landelike gebiede verhoog deur geïntegreerde beplanning van vervoerinfrastruktuur en -fasiliteite, vervoerondernemings insluitende vragbeweging, grootmaatsdienste en openbare vervoerdienste binne die konteks van daardie geïntegreerde ontwikkelingsplanne kragtens die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000);
 - (b) werkgeleenthede en -aktiwiteite, gemengde grondgebruike en hoëdigtheid residensiële ontwikkeling inlei in hoëbenutting openbarevervoerkorridors wat deur ontwikkelingsnodusse binne die korridors onderling verbind is en stadsverspreiding ontmoedig waar openbare vervoerdienste ontoereikend is;
 - (c) prioriteit verleen aan invulling en verdigting langs openbarevervoerkorridors;

- (d) hoër prioriteit verleen aan openbare vervoer as aan privaatvervoer deur te verseker dat toereikende openbare vervoerdienste verskaf word en reisaanvraagbestuursmaatreëls toe te pas om privaatvervoer te ontmoedig;
 - (e) toeganklikheid van openbare vervoerdienste en -fasiliteite, en vervoerfunksionaliteit in die geval van gestremde persone, verhoog; en
 - (f) nadelige impak op die omgewing tot die minimum beperk.
- (4) Vervoerbeplanning moet gesien word as 'n deurlopende proses waardeur kernstede en vervoerowerhede geïntegreerde openbare vervoerdienste vir hulle gebiede professioneel ontwikkel en implementeer.
- (5) 'n Kernstad en vervoerowerheid moet, tensy dit duidelik onvanpas of onder die omstandighede nie redelik prakties is nie, by die opstel van 'n vervoerplan koördinerings en integrering binne en tussen landvervoermodes verseker om die toeganklikheid en benutting van openbare vervoerdienste, -geriewe en infrastruktuur te optimeer.
- (6) Die LUR moet die koördinerings van die beplanningsprosesse van alle kernstede en vervoerowerhede onder die jurisdiksie van die provinsie verseker en moet daardeur verseker dat alle planne voorsiening maak vir:
- (a) openbare vervoerdienste wat oor die grense van kernstede, vervoerowerhede of enige spesifieke munisipale owerheid bedryf word;
 - (b) pad- en spoornette;
 - (c) vragbewegings;
 - (d) die behoeftes van spesiale kategorieë passasiers;
 - (e) wedywering tussen naburige kernstede of vervoerowerhede wat kan lei tot duplisering of oorvoorsiening van vervoergeriewe en -infrastruktuur in die streek; en
 - (f) die integrering van vervoer- en grondgebruikbeplanning binne die konteks van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000) of enige ander soortgelyke provinsiale wet.

25. Tipes plan wat deur hierdie Wet vereis word

- (1) Die volgende planne word vir die doeleindes van hierdie Wet vereis:
 - (a) provinsiale landvervoerraamwerke soos bepaal in artikel 27;
 - (b) bedryfsopgawes van openbare vervoer soos bepaal in artikel 28;
 - (c) bedryfslisensiestrategieë soos bepaal in artikel 29;
 - (d) rasionaliseringsplanne soos bepaal in artikel 30; en
 - (e) openbarevervoerplanne soos bepaal in artikel 31; en
 - (f) geïntegreerde vervoerplanne soos bepaal in artikel 32.
- (2) Die verhouding en volgorde van vervoerplanne is soos volg:
 - (a) die Departement moet sy aanvanklike provinsiale landvervoerraamwerk opstel as 'n oorkoepelende riglyn vir vervoerbeplanning binne die Provinsie wat geïntegreer moet wees met provinsiale ontwikkelingsbeplanning;
 - (b) elke vervoerowerheid en kernstad, en elke munisipaliteit van wie die LUR dit vereis, moet 'n openbarevervoerplan opstel wat die volgende moet insluit:
 - (i) 'n bedryfsopgawe van openbare vervoer; en
 - (ii) 'n bedryfslisensiestrategie; en
 - (iii) indien dit gesubsidieerde openbare vervoerdienste het, 'n rasionaliseringsplan;
 - (c) vervoerowerhede en kernstede, en ander munisipaliteite wat deur die LUR daarom gevra word, moet 'n geïntegreerde vervoerplan waarvan die openbarevervoerplan 'n komponent is, opstel; en
 - (d) die Departement moet latere provinsiale landvervoerraamwerke opstel wat, benewens die bepaling van subparagraaf (a), die plaaslike planne in die Provinsie moet opsom.
- (3) Die provinsiale landvervoerraamwerk moet die beplanning van beide binne-provinsiale en tussenprovinsiale langafstanddienste, wat waar toepaslik met ander openbare vervoerdienste verbind moet wees, insluit en mag voorsiening maak vir huurdienste, personeeldienste en toeristedienste en in die geval van tussenprovinsiale vervoer moet dit in oorleg met die LUR van die ander provinsie betrokke gedoen word.

- (4) Die beplanningsowerheid bedoel in artikel 26 moet op die voorgeskrewe datum 'n kennisgewing
 - (a) in Engels en minstens een ander amptelike taal publiseer in 'n koerant wat in die gebied van die beplanningsowerheid versprei word; en wat
 - (b) meld dat die onderhawige plan voltooi en op 'n plek wat in die kennisgewing gemeld word beskikbaar is vir openbare inspeksie.
- (5) Die LUR kan 'n prosedure voorskryf wat gevolg moet word om openbare deelname aan die vervoerbeplanningsproses te bevorder.
- (6) Die inhoud van planne genoem in subartikel 25(1)(a) tot (f) moet voldoen aan die vereistes van hierdie Wet, maar die LUR kan die vereistes vir daardie planne, met betrekking tot landelike gebiede in die Provinsie, op die voorgeskrewe manier wysig.

26. Beplanningsowerhede

- (1) Planne bedoel in artikel 25(1)(b) en (c) en, waar van toepassing, artikel 25(1)(d), (e) en (f) moet deur die volgende owerhede, wat as beplanningsowerhede bekend sal staan, opgestel word onderworpe aan subartikels (4) en (5), en hierdie planne mag verskil wat landelike beplanningsowerhede betref behalwe die wat gesubsidieerde openbare vervoerdienste het:
 - (a) vervoerowerhede, vir hulle vervoergebiede;
 - (b) kernstede, vir hulle metropolitaanse vervoergebiede; en
 - (c) ander munisipaliteite wat nie in die jurisdiksiegebied van 'n kernstad of vervoerowerheid ingesluit is nie, as die LUR dit versoek.
- (2)
 - (a) 'n Beplanningsowerheid kan 'n ooreenkoms met 'n ander beplanningsowerheid of die Department aangaan om dit te help met die uitvoering van sy funksies ingevolge hierdie artikel; en
 - (b) sodanige ooreenkoms verminder nie die beplanningsowerheid se verantwoordelikheid vir die funksies wat deur hierdie artikel daaraan toevertrou is nie.
- (3) Elke beplanningsowerheid moet relevante vervoerplanne aan die raad voorsien en aanbevelings aan daardie raad doen oor die omskakeling van permitte na bedryfslisensies, en oor aansoeke om nuwe

bedryfslisensies, soos vereis in Deel 9 van die National Land Transport Transition Act.

- (4) Waar daar wesentliche openbare vervoerdienste tussen aanliggende vervoergebiede is, is die LUR verantwoordelik vir die doeltreffende beplanning van sodanige dienste en moet hy of sy seker maak dat sodanige dienste saam met die onderskeie vervoerowerhede beplan en met hulle vervoerplanne geïntegreer word.
- (5) 'n Vervoerowerheid mag by die LUR ansoek doen om die beplanning van die dienste bedoel in subartikel (4) oor te neem en in die beslissing daarvoor moet die LUR oorweging gee aan
 - (a) die mate waarin die dienste binne die betrokke vervoergebied bedryf word; en
 - (b) die vermoë van die vervoerowerheid om die verantwoordelikhede verbonde aan hierdie funksie uit te voer.
- (6) In die geval van 'n distrikmunisipaliteit soos omskryf in die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), moet sodanige munisipaliteit en sy betrokke plaaslike munisipaliteite ooreenkom watter een van hulle die planne bedoel in artikel 25(1)(b) tot (f) moet opstel.

27. Provinsiale landvervoerraamwerk

- (1) Die LUR moet jaarliks 'n provinsiale landvervoerraamwerk opstel wat:
 - (a) vir 'n vyfjaartydperk moet wees;
 - (b) ooreenkomstig enige nasionale vereistes of, by gebrek aan sodanige nasionale vereistes, ooreenkomstig die formaat en inhoud van 'n provinsiale landvervoerraamwerk wat saam met die betrokke kernstede en vervoerowerhede in die Provinsie ontwikkel is, moet wees;
 - (c) geïntegreer met provinsiale ontwikkelingsbeplanning moet wees.
- (2) Die aanvanklike provinsiale landvervoerraamwerk moet dien om rigting te gee aan landvervoer in die Provinsie, insluitende binneprovinsiale, tussenprovinsiale en oorgrensvervoer, en enige latere provinsiale landvervoerraamwerke moet ook opsommings van die plaaslike planne binne die Provinsie insluit.

- (3) Die provinsiale landvervoerraamwerk moet aan die Minister voorgelê word en moet vergesel wees van kopieë van alle ooreenkomste rakende tussenprovinsiale vervoer wat tussen die Provinsie en ander provinsies aangegaan is

28. Bedryfsopgawes van openbare vervoer

- (1) Elke beplanningsowerheid moet so gou redelik moontlik na die inwerkingtreding van hierdie Wet maar voor die datum wat die LUR sal bepaal, vir sy gebied 'n bedryfsopgawe van openbare vervoer opstel wat deel moet word van sy openbarevervoerplan en die grondslag vorm vir die ontwikkeling van bedryfslisensiestrategieë, rasionaliseringsplanne, openbarevervoerplanne en geïntegreerde vervoerplanne.
- (2) Die bedryfsopgawe van openbare vervoer moet opgestel word ooreenkomstig die vereistes vasgestel deur die LUR of die Minister ingevolge sy bevoegdhede kragtens die National Land Transport Transition Act, na oorlegpleging met die toepaslike kernstede, vervoerowerhede of munisipaliteite.
- (3) Daardie bedryfsopgawe van openbare vervoer moet insluit:
 - (a) al die geskeduleerde en ongeskeduleerde dienste wat in die gebied van die beplanningsowerheid bedryf word met inagneming van sodanige dienste na en van die gebiede van naburige beplanningsowerhede;
 - (b) al die fasiliteite en infrastruktuur wat in plek is en in die betrokke gebied gebruik word vir die doel van of in verband met die openbare vervoerdienste genoem in paragraaf (a), asook die fasiliteite en infrastruktuur wat vir daardie doeleindes binne die betrokke gebied ontwikkel word.
- (4) Die bedryfsopgawe van openbare vervoer moet nie later nie as die datum bepaal in subartikel (1) deur die beplanningsowerhede aan die LUR voorgelê word.
- (5) Die bedryfsopgawe van openbare vervoer moet jaarliks bygewerk word en tydens die bywerking moet beplanningsowerhede veranderinge in die voorsiening van openbare vervoerdienste met betrekking tot hulle onderskeie gebiede, insluitende die toestaan en uitreiking van bedryfslisensies en die wysiging, oordrag, opheffing, verval, terugtrekking en kansellering van bedryfslisensies of -permitte deur die raad, aanteken.

29. Bedryfslisensiestrategieë

- (1) 'n Beplanningsowerheid moet 'n plan wat bekendstaan as 'n bedryfslisensiestrategie opstel wat uiteindelik deel moet vorm van sy openbarevervoerplan om die raad van hulp te wees wanneer dit beskik oor aansoeke betreffende bedryfslisensies om 'n doeltreffende en doelmatige balans tussen die voorsiening en benutting van openbare vervoer te bereik.
- (2) 'n Bedryfslisensiestrategie moet die beleid en strategieë van die beplanningsowerheid met betrekking tot die volgende uiteensit:
 - (a) die rol van elke openbarevervoermodus en identifisering van die voorkeur padgebaseerde modusse met betrekking tot sy gebied, insluitende vervoer in die gebiede van ander beplanningowerhede in of daar uit, en tussenprovinsiale vervoer;
 - (b) die omstandighede waaronder bedryfslisensies of -permitte wat bedryf van openbare vervoer binne enige deel van sy gebied magtig, toegelaat behoort te word;
 - (c) die gebruik van openbarevervoerfasiliteite binne sy gebied;
 - (d) die voorkoming van vermorsende kompetisie tussen vervoeroperateurs;
 - (e) die sluiting van handelsdienskontrakte vir ongesubsidieerde openbare vervoerdienste; en
 - (f) die voorwaardes wat die raad ten opsigte van bedryfslisensies behoort te stel.
- (3) Bedryfslisensiestrategieë moet ooreenkomstig die voorgeskrewe vereistes wees.
- (4)
 - (a) Die bedryfslisensiestrategie moet onderworpe aan paragraaf (b), vir goedkeuring aan die LUR voorgelê word; en
 - (b) by die verlening van sodanige goedkeuring moet die LUR oorweging gee aan prosedures, finansiële kwessies wat die Provinsie raak, provinsiale beleid en begingsels, vervoer oor die grense van die gebiede van beplanningsowerhede, tussenprovinsiale vervoer en ander sake waarvoor daar in provinsiale wette voorsiening gemaak word.
- (5) By gebrek aan 'n openbarevervoerplan, moet 'n beplanningsowerheid seker maak dat sy bedryfslisensiestrategie voortdurend bygewerk en

minstens een maal per jaar binne twee maande vanaf die voltooiing van sy bedryfsopgawe van openbare vervoer, of op 'n datum vasgestel deur die LUR deur kennisgewing in die Provinsiale Koerant, gekonsolideer word.

30. Rasionaliseringsplanne

- (1) Indien daar ingevolge 'n gesubsidieerde dienskontrak of konsessie voorgeneem word om 'n openbare vervoerdiens voort te sit na verstryking van die lopende termyn, moet 'n beplanningsowerheid in wie se gebied die diens bedryf word, 'n rasionaliseringplan opstel wat:
 - (a) deel moet word van sy openbarevervoerplan;
 - (b) gedoen moet word voordat die diens wat ingevolge die gesubsidieerde dienskontrak bedryf gaan word op openbare tender uitgegee word; en
 - (c) die volgende in ag moet neem-
 - (i) rasionalisering van gesubsidieerde dienste binne en tussen modusse;
 - (ii) bepaling waar en in watter mate subsidies betaal moet word;
 - (iii) rasionalisering van gesubsidieerde dienste oor die grense van beplanningsowerhede en in verhouding tot tussenprovinsiale vervoer;
 - (iv) beperking van die subsidievlak tot die minimum;
 - (v) beperking van kompetisie tussen gesubsidieerde dienste tot die minimum;
 - (vi) strukturering van gesubsidieerde dienskontrakte of konsessies op so 'n manier dat dit voldoende kompeterende aanbiedinge van kwalifiserende tenderaars lok;
 - (vii) versekering dat roetes en roetenette optimaal benut word om doeltreffend en doelmatig in passasiersbehoefte te voorsien; en
 - (viii) fasilitering van die toekomstige ontwikkeling van 'n geïntegreerde openbarevervoerstelsel.

- (2) Die rasionaliseringsplan moet die volgende bevat:
 - (a) die voorgestelde veranderinge aan die bestaande roete of net;
 - (b) die voorgestelde veranderinge aan die passasiersdravermoë van die dienste wat op die roete of net bedryf word;
 - (c) die voorgestelde beleid vir die strukturering van kontrakte of konsessies vir kompeterende tenders;
 - (d) 'n verklaring wat die potensiële impak van die rasionalisering op die verskillende vervoermodusse uiteensit;
 - (e) 'n aanduiding van die verbetering wat tot die voordeel van die passasiers aangebring gaan word; en
 - (f) 'n aanduiding van die voorsiene hindernisse met betrekking tot die implementering van die plan, en die strategieë wat voorgestel word om dit te oorkom.
- (3) Rasionaliseringsplanne moet voldoen aan die vereistes wat die LUR, of die Minister ingevolge sy bevoegdhede kragtens die National Land Transport Transition Act kan voorskryf.
- (4) Rasionaliseringsplanne moet aan die LUR voorgelê word vir goedkeuring, en die goedkeuring moet slegs betrekking hê op die sake genoem in artikel 29(4)(b).
- (5) By gebrek aan 'n openbarevervoerplan, moet 'n beplanningsowerheid wat gesubsidieerde openbare vervoerdienste het, seker maak dat sy rasionaliseringsplan opgestel of bygewerk is, en minstens een maal per jaar en binne vier maande van die voltooiing van sy bedryfsopgawe van openbare vervoer, of op 'n datum wat die LUR deur kennisgewing in die Provinsiale Koerant bepaal, aan die LUR voorgelê word.

31. Openbarevervoerplanne

- (1) 'n Beplanningsowerheid moet, op die datum wat die LUR bepaal, 'n openbarevervoerplan opstel met die oog daarop om die openbare vervoerdienste wat ingevolge die sake genoem in artikel 28(3)(a) en (b) daaraan voorsien moet word, te bepaal en spesifiseer.
- (2) Die openbarevervoerplan moet opgestel word met die oog daarop om die integrering van openbare vervoerdienste te ontwikkel en implementeer en moet die volgende bevat:
 - (a) die beplanningsowerheid se visie en sy algemene en spesifieke doelstellings vir openbare vervoer in sy gebied;
 - (b) die beplanningsowerheid se strategieë vir-

- (i) die behoeftes van leerders en gestremde persone;
en
 - (ii) modusintegrering en reisgeldstelsels vir openbare vervoer, laasgenoemde bestaande uit reisgeldstruktuur, -vlak en -tegnologie; en
- (c) 'n bedryfskomponent, met inbegrip van-
- (i) die bepalinge van die rasionaliseringsplan vir kontrakdienste en konsessies; en
 - (ii) die bedryfslisensiestrategie vir alle openbare vervoerdienste wat nie deur subparagraaf (i) gedek word nie.
- (3) Openbarevervoerplanne moet ooreenkomstig die vereistes en die wyse en vorm wees wat die LUR of die Minister, ingevolge sy bevoegdheid kragtens die National Land Transport Transition Act, voorskryf.
- (4) Die openbarevervoerplan moet vir goedkeuring aan die LUR voorgelê word en sodanige goedkeuring moet slegs betrekking hê op die sake wat in artikel 29(4)(b) genoem word.
- (5) Elke beplanningsowerheid moet seker maak dat sy openbarevervoerplan minstens eenmaal per jaar voor 'n datum wat die LUR deur kennisgewing in die Provinsiale Koerant bepaal, bygewerk word.

32. Geïntegreerde vervoerplanne

- (1) 'n Beplanningsowerheid moet jaarliks voor die datum wat die LUR bepaal, 'n geïntegreerde vervoerplan wat voldoen aan subartikel (2) vir sy onderskeie gebied vir 'n tydperk van 5 jaar beginnende op die eerste dag van daardie finansiële jaar, aan die LUR voorlê.
- (2) Die geïntegreerde vervoerplan moet die beplanningsowerheid se amptelike visie, beleid en doelstellings in ooreenstemming met nasionale en provinsiale beleid formuleer en moet inskakel by enige relevante geïntegreerde ontwikkelingsbeplanning, en moet minstens:
- (a) die veranderinge aan die beplanningsowerheid se landvervoerbeleid en -strategie sedert die vorige jaar se vyfjaarplan spesifiseer;

- (b) 'n lys insluit wat-
- (i) die projekte en projeksegmente wat in daardie vyfjaarplan uitgevoer gaan word, asook die koste van elke projek, in voorkeurvulgorde moet toon; en
 - (ii) waar van toepassing, opgestel moet wees met inagneming van relevante geïntegreerde ontwikkelingsplanne wat kragtens 'n wet van die provinsie vereis word;
- (c) alle modusse en infrastruktuur, insluitende nuwe of gewysigde paaie en handelontwikkelings wat 'n impak op die landvervoerstelsel het, en landvervoeraspekte van lughawens en hawens, insluit;
- (d) die beplanningsowerheid se detailbegroting, met inbegrip van bronne van befondsing, met betrekking tot landvervoer vir die betrokke finansiële jaar, in die formaat wat die LUR voorkryf, insluit;
- (e) die beplanningsowerheid se openbarevervoerplan insluit;
- (f) 'n algemene strategie vir die bestuur van reisaanvraag uiteensit;
- (g) 'n strategie vir die verskaffing, verbetering en instandhouding van pad- en vervoerinfrastruktuur uiteensit; en
- (h) 'n algemene strategie of plan uiteensit vir die vervoer van gevaarhoudende stowwe bedoel in artikel 2(1) van die Wet op Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973) per pad volgens aangewese roetes, ooreenkomstig die strategie of plan in die provinsiale vervoerraamwerk bedoel in artikel 27.
- (3) 'n Geïntegreerde vervoerplan moet ooreenkomstig die vereistes en die wyse en vorm wees wat die LUR of die Minister ingevolge sy bevoegdhele kragtens die National Land Transport Transition Act mag voorskryf.
- (4) Die plan moet vir goedkeuring aan die LUR voorgelê word en sodanige goedkeuring moet slegs betrekking hê op die sake wat in artikel 29(4)(b) genoem word.
- (5) 'n Persoon mag nie gevaarhoudende stowwe bedoel in artikel 2(1) van die Wet op Gevaarhoudende Stowwe, 1973 (Wet No. 15 van 1973) in die gebied van 'n beplanningsowerheid vervoer nie behalwe op 'n roete wat bepaal is ingevolge paragraaf (h) van subartikel (2), waar sodanige roete ingevolge artikel 34(1) bepaal en gepubliseer is.

(6) Enige persoon wat subartikel (5) oortree, is skuldig aan 'n misdryf.

33. Goedkeuring van pendelspoorkomponente van vervoerplanne

Totdat die funksie van pendelspoor van die nasionale na 'n ander regeringsfeer afgewentel word, moet die vervoerplanne bedoel in artikel 25(1)(a) tot (f) op die voorgeskrewe manier en binne die voorgeskrewe tyd aan die Minister voorgelê word vir goedkeuring van die pendelspoorkomponent van sodanige planne.

34. Publikasie van vervoerplanne en wesentliche veranderinge in grondgebruik en openbarevervoerinfrastruktuur en -dienste

(1) By goedkeuring van die provinsiale landvervoerraamwerk, 'n openbarevervoerplan of 'n geïntegreerde vervoerplan, moet die LUR of beplanningsowerheid, na gelang van die geval, die voorgeskrewe besonderhede van sodanige planne, wat besonderhede oor roetes wat ingevolge artikel 32(2)(h) bepaal is moet insluit, in die Provinsiale Koerant publiseer.

(2) Alle persone, insluitende die Staat en semi-staatsinstellings, agentskappe en nutsmaatskappye is verbind tot die bepalings van planne wat ingevolge subartikel (1) gepubliseer is, en:

(a) geen wesentliche verandering van of toename in grondgebruik op enige eiendom mag sonder die skriftelike toestemming van die betrokke beplanningsowerheid onderneem word nie;

(b) ontwikkelings op eiendom binne 'n vervoergebied is onderworpe aan evaluering van verkeersimpak en openbare vervoer soos voorgeskryf deur die LUR;

(c) waar nuwe of opgegradeerde vervoerinfrastruktuur of -dienste in so 'n evaluering van verkeersimpak of openbare vervoer voorgestel word, moet die koste daarvan betaal word soos die betrokke beplanningsowerheid besluit; en

(d) niks mag gedoen word wat tot gevolg sal hê dat die hoeveelheid of beskikbaarheid van landvervoerinfrastruktuur wesentlik afneem nie, tensy die eienaar van die grond waarop die infrastruktuur geleë is, of die houer van die betrokke bedryfslisensie, na gelang van die geval, die betrokke beplanningsowerheid minstens 30 dae voordat dit gedoen word, skriftelik kennis gegee het nie.

(3) Ondanks enige strydige wetgewing, moet enige owerheid wat verantwoordelik is vir die goedkeuring van wesentliche veranderinge van

of toename in grondgebruik of ontwikkelingsvoorstelle, wat 'n aansoek om sodanige verandering van of toename in gebruik ontvang:

- (a) binne 14 dae van ontvangs van sodanige aansoek en voordat sodanige aansoek oorweeg of daaroor beslis word, sodanige aansoek aan die betrokke beplanningsowerheid voorlê vir sy evaluering en bepaling van die impak van die aansoek op vervoerplanne en openbare vervoerdienste; en
 - (b) seker maak dat sodanige aansoek vergesel is van die vereiste evaluering van verkeersimpak en openbare vervoer en voldoende inligting bevat vir sodanige owerheid om die impak van die aansoek op vervoerplanne en -dienste te evalueer en bepaal.
- (4) Die beplanningsowerheid moet binne 28 dae:
- (a) 'n aansoek om 'n verandering van of toename in grondgebruik of ontwikkelingsvoorstel wat ingevolge subartikel (3) voorgelê is, goedkeur of weier; en
 - (b) sy skriftelike beslissing en enige besware met betrekking tot sodanige aansoek, insluitende bepalings of voorwaardes vir voldoening aan die vervoerplan, aan sodanige owerheid wat wetlik bekleed is met die verantwoordelikheid om die aansoek te oorweeg, voorlê.
- (5) Die owerheid wat bekleed is met die verantwoordelikheid om aansoeke om veranderinge van of toename in grondgebruik of die ontwikkeling daarvan te oorweeg, mag nie sodanige aansoek goedkeur:
- (a) voor die verstryking van die tydperk van 28 dae waarna daar in subartikel (4) verwys word nie; of
 - (b) wat strydig is met die bepalings van of die voorwaardes gestel deur die beplanningsowerheid bedoel in subartikel (4)(b) nie, behalwe in die mate waarin die beplanningsowerheid se bepalings of voorwaardes ingevolge subartikel (6) deur die ontwikkelingstribunaal verander word.
- (6) Waar enige persoon veronreg is deur enige besluit van 'n beplanningsowerheid ingevolge hierdie artikel, mag sodanige persoon op die voorgeskrewe manier en binne die voorgeskrewe tyd teen die besluit appèlleer by die betrokke appèlliggaam, sy dit die ontwikkelingstribunaal wat kragtens die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet No. 32 van 2000), of vervangende

provinsiale wetgewing, vir die Provinsie ingestel is, of enige ander appèlriggaam wat ingevolge ander relevante wetgewing ingestel is.

- (7) Ondanks enige enige strydige bepaling in die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), of enige ander wet, moet voorwaardes wat ingevolge subartikel (4)(b) gestel word teen die betrokke titelakte geregistreer of geëndosseer word.
- (8) Ondanks enige strydige bepaling in die Registrasie van Aktes Wet, 1937 (Wet No. 47 van 1937), of enige ander wet, mag die Registrateur van Aktes met die skriftelike goedkeuring van die beplanningsowerheid, enige voorwaarde wat ingevolge subartikel (7) in 'n transportakte ingevoeg is of op 'n titelakte geëndosseer is, kanselleer.
- (9) Enige persoon wat 'n ontwikkeling wat 'n verandering van of toename in grondgebruik of ontwikkelingsvoorstel behels sonder die goedkeuring van die beplanningsowerheid ingevolge hierdie artikel, of strydig met 'n voorwaarde wat deur so 'n owerheid gestel is, onderneem, is skuldig aan 'n misdryf en is by skuldigbevinding onderhewig aan 'n boete of tronkstraf van hoogstens 6 maande.
- (10) Waar 'n gebou of struktuur sonder die goedkeuring van 'n beplanningsowerheid onder omstandighede waar sodanige goedkeuring ingevolge hierdie artikel verkry moes word, of strydig met 'n voorwaarde gestel ingevolge hierdie artikels opgerig is, kan die betrokke beplanningsowerheid by die Hooggeregshof wat daar jurisdiksie het aansoek doen om 'n bevel wat die eienaar van die eiendom verplig om die gebou of struktuur op die eienaar se koste te sloop of te verwyder, of die owerheid magtig om dit te doen en die koste verbonde daaraan van die eienaar te eis, of sodanige ander bevel uit te reik wat die Hof regverdig ag.

HOOFSTUK 11

KOÖPERATIEWE BEHEER

35. Gautengse Raadplegende Vervoerforum

- (1) Die LUR mag deur kennisgewing in die Provinsiale Koerant die Gautengse Raadplegende Vervoerforum, waarvan die LUR voorsitter sal wees, vir die Provinsie instel.

- (2) Die LUR kan die lede van sodanige Forum bestaande uit verteenwoordigers van provinsiale en plaaslike regering en ander lede, soos voorgeskryf, op die voorgeskrewe manier aanstel.
- (3) Die algemene doelstelling van die Forum is om vervoerbeleid en -behoefes in die Provinsie gesamentlik te bespreek deur:
 - (a) 'n doeltreffende forum vir oorlegpleging met plaaslike en provinsiale verteenwoordigers in te stel en in stand te hou; en
 - (b) die identifisering van behoeftes te fasiliteer en beleidsrigting oor die beplanning en voorsiening van vervoerinfrastruktuur en -dienste in die Provinsie te gee.
- (4) Ondanks subartikel (3) mag regulasies bykomende algemene of spesifieke doelstellings van sodanige forum voorskryf of sodanige algemene doelstellings uitbrei of wysig.
- (5) Die funksionering van sodanige Forum en die prosedure by sy vergaderings moet wees soos voorgeskryf.
- (6) Die Hoof van die Departement moet, onderworpe aan die wette wat die staatsdiens beheer, die personeel verskaf wat nodig is om sodanige Forum in die uitvoering van sy funksies by te staan.

36. Vervoerkoördineringskomitee

- (1) Die LUR kan deur kennisgewing in die Provinsiale Koerant 'n Vervoerkoördineringskomitee, waarvan die Hoof van die Departement die Voorsitter moet wees, vir die Provinsie instel.
- (2) Die LUR kan die lede van die Komitee bestaande uit amptenare van die Departement, vervoerowerhede, kernstede, munisipaliteite, die Nasionale Departement van Vervoer, ander departemente van die Gauteng Provinsiale Regering en ander rolspelers soos voorgeskryf, op die voorgeskrewe manier aanstel.
- (3) Die algemene doelstellings van sodanige Komitee is om:
 - (a) 'n doeltreffende forum vir die lede bedoel in subartikel (2) in te stel en in stand te hou;
 - (b) skakeling en koördinerings te bevorder;
 - (c) departemente van raad oor tegniese vervoersake te bedien;
 - (d) oorlegpleging met tegniese rolspelers te verseker;

- (e) inligting oor sake rakende die strategiese ontwikkeling van die Provinsie in verband met vervoer te versprei.
- (4) Ondanks subartikel (3), mag regulasies bykomende algemene of spesifieke doelstellings van die Komitee voorskryf of sodanige algemene doelstellings uitbrei of wysig.
- (5) Die funksionering van die Komitee en prosedure by sy vergaderings moet wees soos voorgeskryf maar dit moet minstens vier maal per jaar vergader.
- (6) Die Komitee mag werkgroepe of subkomitees op 'n permanente of *ad hoc* basis vir spesifieke take en tydperke instel, en die samestelling, funksionering en lidmaatskap van sodanige werkgroepe en subkomitees moet wees soos voorgeskryf.
- (7) Die Hoof van die Departement moet, onderworpe aan die wette wat die staatsdiens beheer, die personeel verskaf wat nodig is om die Komitee in die uitvoering van sy funksies by te staan.

37. Gesamentlike beplanningstruktuur

Die LUR mag, in samewerking met kernstede, vervoerowerhede en munisipaliteite verantwoordelik vir vervoerbeplanning ten opsigte van hierdie Wet, 'n gesamentlike beplanningstruktuur daarstel om gemeenskaplike vervoerbeplanningsake op 'n provinsiale grondslag te hanteer.

HOOFSTUK 12

ALGEMENE VOORSKRIFTE

38. Herroeping

- (1) Hierdie Wet herroep die Gautengse Wet op Vervoerraamwerk, 1998 (Wet No. 8 van 1998).
- (2) Hierdie Wet vervang artikels 63 tot 76 van "Chapter 3: Matters of Provincial Concern" van die National Land Transport Transition Act.
- (3) Artikels 24 tot 34 van hierdie Wet verval op die inwerkingtreddingsdatum van Deel 7 van die National Land Transport Transition Act.

39. Oortredings en straf

- (1) Die oortreding van enige van die bepalings van hierdie Wet en die Regulasies is 'n misdryf.
- (2) Enige persoon wat skuldig bevind word aan 'n misdryf ingevolge hierdie Wet, is onderhewig aan 'n boete van hoogstens R100 000 of aan gevangenisstraf vir 'n tydperk van hoogstens twee jaar, of aan 'n boete sowel as gevangenisstraf tensy 'n spesifieke artikel van hierdie Wet anders spesifiseer of die LUR 'n ander straf of kategorie strawwe ten opsigte van verskillende artikels van hierdie Wet voorskryf.

40. Staat is gebind

Behoudens uitdruklike of geïmpliseerde bepalings van hierdie Wet, is die voorskrifte van hierdie Wet en van die regulasies, reëls en vereistes wat ingevolge hiervan uitgevaardig is, bindend vir die Staat.

41. Kort titel en inwerkingtreding

- (1) Hierdie Wet word die Gautengse Hersieningswet op Vervoerraamwerk, 2002 genoem en tree in werking op 'n datum wat die Premier deur proklamasie in die Provinsiale Koerant bepaal.
- (2) Verskillende Hoofstukke of artikels van hierdie Wet kan op verskillende datums of ten opsigte van verskillende gebiede in werking tree.

MEMORANDUM TER VERDUIDELIKING
VAN DIE DOELSTELLINGS VAN DIE
GAUTENGSE HERSIENINGSWETSONTWERP OP VERVOERRAAMWERK, 2001

1. REDES VIR DIE WET

Die Gautengse Hersieningswetsontwerp op Vervoerraamwerk (GHV) sit die vervoerbepanningstelsel vir Gauteng uiteen insluitende die funksies van die LUR met betrekking tot vervoer, die funksies en bevoegdhede van vervoerowerhede, finansies van kernstede en vervoerowerhede, ontbinding van sodanige owerhede, vervoerbestuur, verskillende vervoerbepanningsbepalings en 'n aantal artikels oor koöperatiewe beheer oor vervoersake. Die GHV herroep die Gautengse Wetsontwerp op Vervoerraamwerk, 1998 (Wet No. 8 van 1998), wat oorspronklik opgestel is om die provinsiale sake wat moes pas by die nasionale landvervoerwetgewing wat toe opgestel is, te dek. Die GHV is opgestel met inagneming van die National Land Transport Transition Act, 2000 (Act No. 22 van 2000) wat voorsiening maak daarvoor dat Hoofstuk 3: Sake van Provinsiale Belang deur paslike provinsiale wetgewing vervang word. Die GHV sal dit moontlik maak om die Provinsie se vervoerstelsel op 'n ordelike manier te beplan en sal verseker dat vervoerowerhede ingestel word waar plaaslike owerhede dit nodig ag.

2. OMGEWINGSIMPAK

Geen

3. FINANSIËLE IMPLIKASIES VAN DIE WETSONTWERP

Aangesien die Wetsontwerp die National Land Transport Transition Act, 2000 (Act No. 22 of 2000) aanvul, gee dit nie aanleiding tot bykomende finansiële implikasies nie.

4. KOMMENTAAR WAT ONTVANG EN AANGEVRA IS

Baie van die beginsels onderliggend aan die GHV is in die Vervoerkoördineringskomitee (VKK) bespreek toe die Gautengse Wet op Vervoerraamwerk, 1998 ontwikkel is. Hierdie beginsel is so ver moontlik in die GHV herhaal en baie van die bepalings is reeds bespreek toe die konsep van die National Land Transport Transition Act, 2000 (Act No. 22 of 2000) opgestel is.

5. KLOUSULE-VIR-KLOUSULE-VERDUIDELIKING

Klausule 1: Hierdie klausule bevat woordomsrywings.

Klausule 2: In hierdie klausule word die verhouding tussen hierdie Wet en die National Land Transport Transition Act, 2000 (Act No. 22 of 2000) beskryf.

- Klousule 3:** Hierdie klousule bevat 'n omvattende lys bevoegdhede van die LUR vir Openbare Vervoer, Paaie en Werke.
- Klousule 4:** Die LUR vir Openbare Vervoer, Paaie en Werke moet die pligte wat in hierdie klousule uiteengesit is, uitvoer.
- Klousule 5:** Klousule 5 maak voorsiening vir die LUR om enige bevoegdheid/ plig wat aan hom/ haar opgedra is, buiten die bevoegdheid om regulasies uit te vaardig, aan enige kernstad, vervoerowerheid of die Hoof van die Departement te deleger of toe te wys.
- Klousule 6:** Die LUR kan regulasies uitvaardig volgens die verskillende kategorieë wat in hierdie klousule opgenoem word.
- Klousule 7:** Hierdie klousule bevestig dat die Wet op Stedelike Vervoer, 1977 (Wet No. 78 van 1977) van krag bly in die Provinsie.
- Klousule 8:** Hierdie klousule maak voorsiening vir die vorming van vervoerowerhede vir vervoergebiede onderworpe aan die beperking dat die owerhede moet voldoen aan die GHV, die National Land Transport Transition Act, 2000 (Act No. 22 of 2000) en die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998).
- Klousule 9:** Vervoerowerhede kan verklaar word na die sluiting van stigtingsooreenkomste genoem in die National Land Transport Transition Act, 2000 (Act No. 22 of 2000).
- Klousule 10:** Hierdie klousule sit die vereistes vir 'n stigtingsooreenkoms vir 'n vervoerowerheid uiteen.
- Klousule 11:** Hierdie klousule verklaar die bevoegdhede van vervoerowerhede.
- Klousule 12:** Hierdie klousule sit die aanvullende bevoegdhede van vervoerowerhede uiteen.
- Klousule 13:** Die beginsel onderliggend aan die beheer van vervoerowerhede word in hierdie klousule uiteengesit.
- Klousule 14:** Daar word herbevestig dat die finansies van kernstede onderworpe is aan die Wet op Stedelike Vervoer, 1977 (Wet No. 78 van 1977).
- Klousule 15:** Die finansies van kernstede word in hierdie klousule bespreek.
- Klousule 16:** Hierdie klousule dui aan hoe 'n vervoerowerheid met die toestemming van die LUR 'n lening kan bekom.
- Klousule 17:** Hierdie klousule maak voorsiening daarvoor dat 'n kernstad of 'n munisipaliteit verordeninge kan uitvaardig ooreenkomstig 'n goedgekeurde geïntegreerde vervoerplan.

- Klousule 18:** Hierdie klousule maak voorsiening daarvoor dat die LUR bewilligings ooreenkomstig die verskillende kategorieë kan maak om die doelstellings van hierdie Wet te bevorder.
- Klousule 19:** Hierdie klousule dek die beginsels onderliggend aan die ontbinding van vervoerowerhede.
- Klousule 20:** Hierdie klousule maak voorsiening vir die vorming van uitvoerende vervoerbesture ooreenkomstig die stigtingsooreenkoms van vervoerowerhede om 'n aantal sake te hanteer insluitende die professionele, tegniese, administratiewe en ander werk verbonde aan vervoerowerhede.
- Klousule 21:** Volgens hierdie klousule mag twee of meer vervoerowerhede gesamentlik uitvoerende vervoerbesture vorm.
- Klousule 22:** Die beherende liggaam van 'n vervoerowerheid mag sekere bevoegdhede en funksies in terme van hierdie klousule delegeer.
- Klousule 23:** Hierdie klousule beperk die delegeringsbevoegdheid van die beherende liggaam van 'n vervoerowerheid.
- Klousule 24:** Hierdie klousule dui aan hoe vervoer- en grondgebruikbeplanning ingevolge hierdie Wet geïntegreer behoort te word.
- Klousule 25:** Die verskillende soorte planne wat ingevolge hierdie Wet vereis word, word in hierdie klousule opgenoem.
- Klousule 26:** Hierdie klousule verseker dat beplanningsowerhede ook die verskillende planne wat vereis word, opstel.
- Klousule 27:** Ingevolge hierdie klousule moet die LUR vir Openbare Vervoer, Paaie en Werke die provinsiale landvervoerraamwerk opstel.
- Klousule 28:** Ingevolge hierdie klousule moet beplanningsowerhede bedryfsopgawes van openbare vervoer opstel.
- Klousule 29:** Ingevolge hierdie klousule moet beplanningsowerhede bedryfslisensiestrategieë opstel.
- Klousule 30:** Rasionaliseringsplanne moet opgestel word vir openbare vervoerdienste wat ingevolge 'n subsidie binne die jurisdiksiegebied van beplanningsowerhede bedryf word.
- Klousule 31:** Ingevolge hierdie klousule moet vervoerowerhede, kenstede en ander munisipaliteite planne vir openbare vervoer opstel.
- Klousule 32:** Vervoerowerhede, kernstede en enige ander gespesifiseerde munisipaliteit moet geïntegreerde vervoerplanne opstel.

- Klousule 33: Die nasionale Minister van Vervoer moet pendelspoorkomponente van vervoerplannie goedkeur tot tyd en wyl die funksie na 'n laer regeringsvlak afgewentel word.
- Klousule 34: Vervoerplanne en wesenlike veranderinge in grondgebruik en 'die infrastruktuur en dienste van openbare vervoer moet in die Provinsiale Koerant gepubliseer word.
- Klousule 35: Die Gautengse Raadplegende Vervoerforum/ Gautengse Vervoeradviesforum word ingevolge hierdie klousule ingestel.
- Klousule 36: Die Gautengse Vervoerkoördineringskomitee word ingevolge hierdie klousule ingestel.
- Klousule 37: Die LUR kan 'n gesamentlike beplanningstruktuur vorm in samewerking met kernstede, vervoerowerhede en and munisipaliteite om gemeenskaplike vervoerbeplanningsake te hanteer.
- Klousule 38: Hierdie klousule handel oor die herroeping van sekere wette en die vervanging van sekere artikels.
- Klousule 39: In hierdie klousule word die maksimum straf wat ingevolge hierdie Wet opgelê kan word uiteengesit en dit maak voorsiening daarvoor dat die LUR 'n ander straf kan voorskryf.
- Klousule 40: Hierdie Wet is bindend vir die Staat.
- Klousule 41: Hierdie klousule maak voorsiening vir die kort tiel en die inwerkingtreding van hierdie Wet.

UMTHETHOSIVIVINYWA

Ukuhlinzeka ngngohlaka lohlelo oludidiyele nokuhlinzeka ngezokuthutha kwisi Fundazwe; ukuhlinzeka ngesivumelwano esiyisendlalelo seziphathimandla zezokuthutha nokumiswa kwakho konke lokhu; ukuhlinzekela ukuphatha kweziphathimandla zezokuthutha kunye nezezimali zalezi ziphathimandla; ukuhlinzeka ngokulungiselela izinhlelo ezahlukene zezokuthutha; ukumisa isikhungo sokubonisana ngezithuthi e Gauteng kanye nekomidi yoxhumaniso yezithuthi e Gauteng; ukuhlinzelela kokuqedwa ko Mlwezo Kuyhutha eGauteng, wa 1998 (u Mthetho wa 1998); kanye nokuhlinzekela nokunye okuphathelene nalokhu.

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**ISAHLUKO 1
ISINGENISO ESINGUJIKELELE**

Izincazelo

1. Kulo Mthetho, ngaphandle kokuthi ingqikithi ichaza ngokwehlukile-
 - “**ibhodi**” lisho ibhodi lamalayisensi okusebenza njengoba lichazwe ku Mthetho wa Zwelonke wesi Khashana we Zokuthutha ngo Mgwaqo;
 - “**Umthethosisekelo**” usho uMthethosisekelo wase Riphabhulikhi yase Ningizimu Afrika, wa 1996 (uMthetho 108 ka 1996);
 - “**inkaba dolobha**” isho umasipala njengoba ebekwe ngaphansi kwesigaba 4 so Mthetho wezokuthutha emadolobheni wa 1977 (uMthetho 78 wa 1977), njenge nkaba dolobha yendawo yezithuthi ye dolobhakazi;
 - “**inkontileka yakamuva yethenda (tender)**” isho inkontileka yakamuva yethenda jengoba ichazwe ngaphansi ko Mthetho wa Zwelonke wesi Khashana we Zokuthutha ngo Mgwaqo;
 - “**umkhankaso oyisiboniso**” isho umkhankaso wezokuthutha ohambisana nezinhloso zalo Mthetho, obonisa noma ohlola umbono ongumsuka futhi onganikwa uxhasomali olukhulu yisiphathimandla sezokuthutha noma u Mnyango;
 - “**umnyango**” usho lowo mnyango ophethe ezokuthutha kwisi Fundazwe;
 - “**uhlaka**” lisho uhla lwezidingo nesimo ngokwendlela uhlelo, indlela yokwenza nendlela yenqubo kukhethwa ngayo futhi kuthuthukiswe;
 - “**inqalasisizinda**” isho izimpahla ezinkulu ezingagudluleki kalula nezinto ezihambisa umsebenzi kwezokuthutha;
 - “**Uhlelo oludidiyele lwezokuthutha**” lisho uhlelo olusungulwe yiziphathimandla zezokuthutha noma zokuhlela ngokuhambisa ngenqubo ebekiwe nokuhambisana ne nqubomgomo, umthetho, ukusetshenziswa nokulawulwa kwenqalasisizinda yezokuthutha, ukusebenza nezinsizakalo;
 - “**inkontilaka yesikhashana**” isho inkontileka yesikhashana njengoba ichazwe ngu Mthetho wa Zwelonke wesi Khashana we Zokuthutha ngo Mgwaqo ;
 - “**Abaphathi abakhulu bezokuthutha abahlangenyele**” kusho isikhungo esamiswa ngokwesigaba 21;
 - “**izinsizakalo zebanga elide**” kusho izithuthi zomphakathi zomgwaqo ezihlelelwe noma ezingahlelelwe, ngaphandle kwezinsizakalo zabasebenzi, lezo ezeqela ngale komngcele obekwe ohlelweni lwezokuthutha, lapho abagibeli bekhokhiswa khona imali ngamunye;
 - “**Izindawo zezithuthi kumadolobhakazi**” kusho indawo yezithuthi kwidolobhakazi njengoba ibekwe ngokwesigaba 3 so Mthetho wezokuthutha emadolobheni wa 1997, (u Mthetho 78 wa 1977);
 - “**u MEC**” usho ilunga lo Mkhandlu o Mkhulu elibhekene ne zokuthutha kwisi Fundazwe;
 - “**u Ngqongqoshe**” usho u Ngqongqoshe wezokuthutha ku Hulumeni wa zwelonke;
 - “**umasipala**” usho noma luhlobo luphi luka hulumeni olubekwe kwisahluko 7 so mthethosisekelo;

“ u Mthetho wesi Khashana wa Zwelonke we Zokuthutha ngo Mgwaqo” usho umthetho ka Zwelonke wesikhashana wezokuthutha ngomgwaqo wa 2000, (u Mthetho 22 wa 2000);

“ isiphathimanda sokuhlela” kusho noma ngubani, okumele, alungise uhlelo lwezokuthutha , ngokwesigaba 26;

“okumiswe” kusho okumiswe ngu MEC ngokwenqubo ye PHEPHANDABA LIKAHULUMENI le Sifundazwe;

“isi Fundazwe” kusho isi Fundazwe sase Gauteng;

“I Phephandaba lesi Fundazwe” lisho i Phephandaba lesi Fundazwe sase Gauteng;

“uhlaka lwezokuthutha ngomgwaqo kwisi Fundazwe” lusho uhlaka lwezokuthutha kwisi Fundazwe njengoba luchazwe kusigaba 27;

“osebenza ngezithuthi zomphakathi” kusho umuntu noma isikhungo esisemthethweni esiqhuba ibhizinisi lokusebenza ngezinsizakalo zokuthutha umphakathi njengoba kuchazwe ku Mthetho wa Zwelonke wesi Khashana we Zokuthutha ngo Mgwaqo wa 2000;

“ izinsizakalo zezokuthutha umphakathi” kusho insizakalo yokuthwala abagibeli ngomgwaqo noma ngojantshi, noma ngabe insizakalo eyesivumelwano noma cha, nalapho insizakalo ihlinzekelelwa inkokhelo noma enye nje indlela yenzuzo, okungaba khona noma insizakalo –

- (a) ehlelelwe;
- (b) engahlelelwe, efaka izinsizakalo zamakhumbi;
- (c) yezokuqashisa;
- (d) yezebanga elide;
- (e) yamatekisi anamamitha;
- (f) yezokuthutha ngojantshi;
- (g) yezokuthutha abavakashi;
- (h) yezokuthutha abasebenzi,

ngaphandle kokuthi kucaca ukuthi akulona, itemu “izithuthi zomphakathi” kumele lisetshenziswe ngokufanele;

“inkontilaka yensizakalo enoxhaso” isho inkontileka, ngaphandle kwenkontileka yesikhashana noma inkontileka entsha yethenda, enganelwe yisiphathimandla sezokuthutha nosebenza ngezithuthi zomphakathi ukusebenza ngensizakalo ehleliwe ehlinzekelelwe ohlelweni lwezokuthutha umphakathi nalapho osebenza ngezithuthi zomphakathi ethola ukuxhaswa ngezimali, ngaphezu kwalokho okukhokhwa ngabagibeli, ngokwesivumelwano sethenda.;

“lo Mthetho” ufaka nezinqubomigomo ezingaphansi kwawo;

“isiphathimandla sezokuthutha” sisho isiphathimandla njengoba sichazwe kusigaba 8;

“abaphathi abakhulu bezokuthutha” kusho isikhungo esisungulwe ngokwesigaba 21;

“ ulawulo lwezidingo zokuhamba” kusho izezo zokwenzisisa ngamandla onke ukukhuphula izinga lokuthwala kwezokuthutha ukuhambisa abantu nezimpahla ngokukhuphula inani elingathwalwa yizithuthi, ukusungula izindlela zokukala ukubaluleka kwezokuthutha umphakathi, ukukhuthaza ukuhamba ngezikhathi ezingenako ukuxakeka emigwaqweni, ukushintshisana ngokudingeka phakathi kwezindlela

zokuhamba, ukunciphisa izikhala zokumisa izimoto (ukupaka), ukulungisa inhlawulo yokupaka izimoto, nezinye izindlela ezifanelekile; kanye

“insizakalo engahlelelwe” kusho insizakalo yezithuthi esebenza ngomgwaqo emgudwini othile, lapho kufanelekile, endaweni ethile, engenalo ithebula, lapho abagibeli bekhokha khona ngamunye.

Ukuhlobana kwalo Mthetho no Mthetho wa Zwelonke wesi Khashana wezo Kuthutha ngo Mgwaqo ku Zwelonke, u mthetho wa 2000

2. Lo Mthetho kumele ufundwe kanye no Mthetho wa Zwelonke wesi Khashana we Zokuthutha ngo Mgwaqo ka Zwelonke.

**ISIAHLUKO 2
AMANDLA NEMISEBENZI YA MEC**

Amandla a MEC

3. U MEC

- (a) Angaxhasa ngemali futhi enze ucwaningo nama umkhankaso wokubonisa;
- (b) Angenza uphenyo futhi athathe izinyathelo ngezinto ezithinta noma ezingase zithinte ezokuthutha kwisi fundazwe, okukhona kuzo, kodwa okungekhona kodwa-
 - (i) ukuhamba kwabantu nezimpahla endaweni ethile;
 - (ii) Ubukhona kanye nenqalasisinda ehlelewe yezokuthutha endaweni ethile;
 - (iii) uhlelo oludidiyele lwezokuthutha;
- (c) Ngemuva kokubonisana no MEC ofanele, lapho kunesidingo, u Ngqongqoshe wa Zwelonke okunguyena ophethe, angaphenya noma athathe noma yiziphi izinyathelo ngezindaba ezithinta noma ezingase zithinte ezokuthutha kwisi Fundazwe, okukhona kuzo ;
 - (j) ukuthuthuka kwezokuthutha okungase kuthinte ezemvelo;
 - (ii) uhlelo lwezokuthutha oluthintene nezomnotho kunye nohlelo lokusetshenziswa komhlaba;
 - (iii) yilokho okuncike kukho ukuthi ezokuthutha zixhaswe ngezimali endaweni;
- (d) angathatha izinyathelo ezifanele ukuthuthukisa uxhumano phakathi kweziphathimandla zezokuthutha kanye nezinye iziphathimandla zokuhlela kwisi fundazwe, noma phakathi kwalezi ziphathimandla nesi Fundazwe, ngenhloso yokugwema ukuphindaphindeka kwemizamo;
- (e) ngemuva kokuthola imvume ku MEC ophethe ezokuthutha kwisi Fundazwe esingu makhelwane, angaphenya ngezinto ezihambisana nezokuthutha kulesisi fundazwe esingumakhelwane ezingaba noma ezinomphumela kwezokuthutha kwisi Fundazwe;

- (f) Ngemuva kokuthintana neziphathimandla zokuthutha, angamisa izindlela ezinhloso yolawulo lwezidingo zokuhamba;
- (g) Angaqoqa, asabalalise futhi ahambise imininingwane emayelana nezokuthutha kwisi fundazwe, sekubandakanywe nolwazi oludingelwa ukuhlola izinga lokukala ukusebenza, oluveza inqubekela phambili ekulandeleni noma ekumiseni imithetho ya Zwelonke kanye neyesi fundazwe;
- (h) Angasungula noma agcine imininingwane kanye nohlelo lokubika ngezokuthutha umphakathi;
- (i) Angabeka ubukhulu noma ubuncane benkokhelo yezithuthi zomphakathi zikajantshi ezixhasiwe, uma u Ngqongqoshe emise ukusebenza kuka jantshi kwisi Fundazwe;
- (j) Ngokwazisa kwi Phephandaba lesi Fundazwe, angabeka izindlela namazinga mayelana nezinto eziphathelele nokusebenza kwezithuthi zomphakathi zomgwaqo ezixhasiwe, kanye nenqalasisinda efanele, ngokuya kwemisebenzi ebekelwe isi Fundazwe;
- (k) Angasiza iziphathimandla zokuhlela ezingenabo abasebenzi ezibadingayo ukugcina imisebenzi ezibekelwe yona ngaphansi kwalo Mthetho;
- (l) Angenele isivumelwano nezinye izi fundazwe mayelana nokuhambelana kwezimoto ezisetshenziselwa izinsizakalo zokuthutha abahamba ngezithuthi zomphakathi nokuhambisana nakho;
- (m) Angathatha izinyathelo zokuqala ngaphambi kokugxambukela ngokwesigaba 139 so mthethosisekelo ukuqiniseka ukugcina noma yimuphi umsebenzi wenkaba dolobha noma wesiphathimandla zezokuthutha, okungaba khona kukho ukudingeka kwe nkaba dolobha noma isiphathimandla sezokuthutha ukuthi sibike ngenqubekela phambili eseyibe khona ekwenzeni lemisebenzi kanye nokulungisa noma yikuphi ukuphambuka okwenzekile ekugcineni imisebenzi yaso;
- (n) Uma ekuqaleni kwalo Mthetho, isi Fundazwe besihlose ukuhlela ezokuthutha umphakathi ngaphezu kwezinsizakalo ezibekwe kwisigaba 26(4) u MEC neziphathimandla zokuhlela ezifanele bangenza izaba zokudlulisela imisebenzi yokuhlela ziyidlulisele kwiziphathimandla zokuhlela ezifanele ngokwesivumelwano; futhi
- (o) Angenza noma yimuphi umsebenzi noma aphenye nanganoma yini ewela kwizinhloso zalo Mthetho;

Uma kungukuthi noma yiluphi uphenyo ngohlelo lwezokuthutha kanye nezinyathelo ngokwalo Mthetho ziyahambisana nohlelo lwezokuthuthuka kwisi Fundazwe.

Imisebenzi ka MEC**4. U MEC kumele:**

- (a) anikeze umphumela kwiimithetho yesi fundazwe eseyiphumelelisiwe ngokokushintshwa izikhathi ngezikhathi;
- (b) lapho kufanelekile, aphakamise ukulandelwa kwemithetho yezokuthutha kwisi fundazwe ngaphakathi kwezindawo zamathimba abanye ohulumeni;
- (c) alawule ukulandelwa kwemithetho yezokuthutha, enze uphenyo ngezinto ezivela ngesikhathi kulandelwa imithetho futhi enze ushintsho lomthetho olufanele;
- (d) aqalise uxhumano nezikhungo zokuxhumana nezindlela zokuqiniseka ukuxhumana ekuhlinzekeni ngohla oludingekela ezokuthutha kanye nezinsizakalo;
- (e) aphakamise izithuthi zomphakathi ukuze;
 - (i) zibe nomphumela ekuhlangabezeni izidingo zabayisebenzisayo;
 - (ii) zisebenze ngobungoti ekusebenziseni imithombo
 - (iii) izinsizakalo ezihlinzekiwe, zizezingeni elamukelekile futhi zifinyeleleka kalula yilabo abazisebenzisayo futhi zisetshenzisw kanye nezinqalasizinda ezinomphumela ngenkokhelo eyamukelekile;
 - (iv) ekusebenzeni ngezithuthi zomphakathi, ukuphepha kumele kubekwe phambili;
- (f) athuthukise ukumiswa kwezokuthutha umphakathi ngendlela yokuthi-
 - (i) zibonelele imithetho nezindlela zika Zwelonke ne Zezwelonke
 - (ii) ziqhubeka, ngaphansi kwezinhloso zezokuthutha ngomgwaqo, ukuphepha kwabagibeli;
 - (iii) zikhuthaza ukwenza ngobungoti, ngoqhudlwano nangezomnotho ekuhlinzekeni ngezokuthutha umphakathi ngomgwaqo;
 - (iv) ziqhubeza amasu nezindlela ezididiyele ekuhlinzekeni ngezithuthi zomphakathi zomgwaqo ngokudidiyela izinto zokusebenza zezithuthi zomphakathi zomgwaqo, inqalasizinda nezinsizakalo;
- (g) akhuthaze ukusetshenziswa ngokonga kwezizinda zamandla, nokunciphisa ukuthinteka okukhulu kwezemvelo lapho lokhu kuthintene nezokuthutha; futhi

- (h) azame kanzulu ukuqinisekisa ukuthi izimali ezihlinzekwa yisi Fundazwe neziphathimandla zezokuthutha zizihlinzekela ezokuthutha umphakathi zisetshenziswa ngobungoti, ngokonga, ngokulingana nangendlela esobala.

Ukwedlulisela amandla ngu MEC

5. U MEC angedlulisela noma anikeze noma yimaphi amandla noma umsebenzi athweswe wona kunoma yiyiphi inkaba dolobha, isiphathimandla sezokuthutha noma inhloko yo Mnyango, ngaphandle kwamandla okubeka izi nqubomigomo.

Izinqubomigomo

6. (1) u MEC:

- (a) angabeka izinqubomigomo ngokwezaba ezichazwe kulo Mthetho okufaka kukho, kodwa kungekona kodwa-
- (i) indlela izinkaba dolobha noma iziphathimandla zezokuthutha ezingasebenzisa ngayo amandla nemisebenzi yazo;
 - (ii) isimo nendlela ekumele kulungiswe ngayo izinhlelo zezithuthi ezididiyelwe nemibiko yokuphela konyaka kunye nendlela yokuhambisa konke lokhu ku MEC;
 - (iii) ukulandelwa nokulawulwa kohlelo lwezokuthutha oludidiyelwe;
 - (iv) ukuqoqwa kolwazi neminingwane mayelana nezokuthutha;
 - (v) ukumiswa nokunakekelwa kohlelo lweminingwane oludidiyelwe;
 - (vi) ukubhekisiswa kwalokho okuthinta isi fundazwe ekulungiseni uhlelo oludidiyele lwezokuthutha;
 - (vii) ukuxhumanisa uhlelo lwezokuthutha ngojantshi, amabhasi namatekisi kanye nomgwaqo nojantshi abehlukene kwisi Fundazwe sonke;
 - (viii) ukudidiyela imikhakha nezinsizakalo zezokuthutha umphakathi
 - (ix) ukwenza indlela yokuthi kube noxhumano phakathi kwezi nkaba dolobha, yiziphathimandla zezokuthutha noma omasipala ekuvezeni uhlelo oludidiyele lwezokuthutha noma ukuqalisa imikhankaso ehlangene, nokuhlanganyela ukufaka esivivaneni sokuxhasa lezizinhlelo nemikhankaso;
 - (x) ukwenza indlela yokukhipha lezizinhlelo zezokuthutha ezididiyelwe nokwenza izindlela zokubandakanya umphakathi, nokubuyekeza lezizinhlelo;

- (xi) ukwenza izaba zokugwema ukonakala kwemigwaqo ngenxa yezimoto ezithwele ngaphezu kokuba kufanele;
 - (xii) ukulawula nokuqoqa ezokuthutha umphakathi;
 - (xiii) izinga lokuphepha emgaqweni;
 - (xiv) ukwakha, ukuhlinzeka, ukunakekela nokusebenza ngezokuthutha nokulawula ukusetshenziswa kwezokuthutha;
 - (xv) ukuqalisa ukuxhumana nezizinda kunye nezindlela zoxhumano ;
 - (xvi) uxhumaniso nokuhlanganyela phakathi kwezikhungo zocino mthetho kwimikhakha ya hulumeni bezigodi nabezi fundazwe;
 - (xvii) inhlawulo kunye noxolelo kwezokuhamba, uma kukhona, kukhokhiswe noma kukhokhwe ngendlela ebekwe yinoma yimuphi umthetho noma emiswe ukuthi kwenziwe ngayo ngaphansi kwalo Mthetho;
 - (xviii) ukubheka noma ukulawulwa koxhasomali lwezokuthutha umphakathi nolunye uxhaso lwemali lwezokuthutha umphakathi; kanye
 - (xix) nokudidiyela izindaba zezokuthutha nohlelo lokusetshenziswa komhlaba ngo masipala kuhlangele nokusungulwa nokuthuthukiswa kwemigudu ethile yezokuthutha;
- (b) angenza izinqubomigomo ezahlukene zezindawo zezithuthi ezahlukene noma ingxenye yazo kwisi Fundazwe;
 - (c) angenza izinqubomigomo mayelana nezindlela kanye namazinga ezokuthutha kwisi Fundazwe; futhi
 - (d) angenza izinqubomigomo ngezi dingongqangi mayelana nanoma yini enye into ngokombono ka MEC edingekayo noma ebalulekile ukugcina imithetho nezinjongo zalo Mthetho.
2. Noma iyiphi inqubomigomo eyenziwe ngoko mthetho owedlule futhi obusebenza ngaphambi kokuqala kwalo Mthetho ehambisana nezinto ezichazwe kusigatshana (1) izothathwa ngenhloso yalo Mthetho, njenge nqubomigomo eyenziwe ngokwaleso sigatshana kuze kufike isikhathi u MEC ayokwenza ngaso inqubomigomo engaphezu kwayo ngaphansi kwalesi sigaba.

ISAHLUKO 3

UKUBALULEKA KO MTHETHO WEZOKUTHUTHA EMADOLOBHENI

Ukuqhubeka nokusebenza ko Mthetho we zokuthutha emadolobheni

7. Kuze kube ngabe umasipala ubumba isiphathimanda sezokuthutha ngoko Mthetho wa Zwelonke wesi Khashana we Zokuthutha ngo Mgwaqo futhi lomasipala ewela

ngaphansi kwemingcele yendawo yezithuthi kwi dolobhakazi, u Mthetho wezokuthutha emadolobheni wa 1977, (umthetho 78 wa 1977) uyohlala usebenza kuleyo ndawo futhi isimo sokubekeka kwendawo yezithuthi kwi dolobhakazi kanye ne nkaba dolobha kuyohlala kunga thintekile.

ISAHLUKO 4

UKUBUNJWA KWEZIPHATHIMANDLA ZEZOKUTHUTHA

Izivumelwano zoku Bunjwa kwezi Ndawo zezi Thuthi nezi Phathimandla zezoku Thutha

8. (1) Iziphathimandla zezokuthutha zingasungulelwa izindawo zezithuthi, kodwa ngendlela kuphela ebekwe kulo Mthetho nakwingxenye yesi 5 yo Mthetho wa Zwelonke wesi Khashana we Zokuthutha ngo Mgwaqo.

(2) abahlanganyele kwisivumelwano esiyisendlalelo bangavumelana ngokushintsha imingcele yezindawo yezithuthi ethintekayo, uma kungukuthi lolushintsho lubandakanya indawo yamasipala oyisengezo, isiphathimandla sezokuthutha, uma sesemisiwe, kumele sichithwe ngokwesigaba 20 bese simiswa kabusha.

Ukumemezela kwezi Ndawo zezi Thuthi nokubekwa kwezi Phathimandla zezoku Thutha

(9) (1) Kumele kuthi zingakapheli izinsuku ezingu 30 ngemuva kokuphetha isivumelwano esikhonjwe kusigaba 8, u MEC , ngokwazisa kwi Phephandaba lesi Fundazwe:

- (a) Akhiphe isivumelwano esiyisendlalelo, ekumele sihambelane nezidingongqangi zesigaba 10;
- (b) Amemezele indawo leyo efanele njengendawo yezithuthi, abese eyiqamba lelogama ekuvumelwane ngalo kwisivumelwano;
- (c) Lapho kufanele, ahoxise, ngendlela ebekwe kusigaba 3(1)(c) so Mthetho wezoku Thutha ema Dolobheni wa 1977, (umthetho 74 wa 1977), isaziso okwakwaziswe ngaso izindawo zo masipala abathintekayo ebezibandakanyeke kwi ndawo yezithuthi kwi dolobhakazi ngaphansi kwendima (a) noma (b) yesigaba 3(1) salowo Mthetho; bese
- (d) Ngokuhambisana nangokwesivumelwano esiyisendlalelo, abumbele leyondawo yezithuthi isiphathimandla sezokuthutha kusukela ngosuku olubekelwe lokho kwisivumelwano esiyisendlalelo.

(2) Isivumelwano esiyisendlalelo, ngemuva kokuthi sesibunjiwe, sinomfutho womthetho, futhi akukho shintsho kusona olungaba nomfutho womthetho noma

amandla kuze kube loloshintsho lukhishwa ngokumemezela ngombiko kwi Phephandaba lesi Fundazwe ngu MEC.

IZIDINGONGQANGI ZESIVUMELWANO EZIYISENDLALELO

10. Isivumelwano esiyisendlalelo kumele sihlinzekele lokhu okulandelayo:
- (a) isimemezelo ngabayingxenywe yenkontilaka bevuma isivumelwano sabo ekusungulweni kwesiphathimandla sezokuthutha sisungulelwa indawo yezithuthi efanele;
 - (b) Igama elizokwethiwa indawo yezithuthi;
 - (c) Usuku esiyobekwa ngalo lesi siphathimandla sezokuthutha;
 - (d) Ukubekwa kanye nesimo sethimba elilawulayo saleso siphathimandla sezokuthutha, sekuhlangene-
 - (i) nenani lamalungu alo nendlela ayokwabelwa ngayo umsebenzi futhi aqashwe, kodwa, amakhansela alabo abangenele isivumelwano kuphela (asezobizwa ngo masipala ozibandakanyayo), abangabelwa umsebenzi futhi baqashwe njengamalunga ethimba elilawulayo;
 - (ii) nokwabelwa umsebenzi kanye nokuqashwa kukasihlalo wethimba elilawulayo nomsizi wakhe ;
 - (iii) nezindlela zokuvota namalungelo amalunga okuvota emihlanganweni yethimba elilawulayo nanoma iyiphi ikomidi yalokho nezindlela zokusombulula isinkiyankiya ekuthatheni isinqumo;
 - (iv) nokuqashwa noma ukwabelwa umsebenzi kummeli omkhulu wehhovisi waleso siphathimandla sezokuthutha, nokuphatha, imisebenzi kanye namandla ahamba nalesi sikhundla;
 - (v) amandla ethimba elilawulayo angase adluliselwe kunoma yiliphi lamalungu alo, amakomidi noma ummeli omkhulu wehhovisi waleso siphathimandla sezokuthutha; kanye

- (vi) nokuhlala kwaleso siphathimandla sezokuthutha kanye nemihlangano yethimba laso elilawulayo;
- (e) Ikheli lokuhlala okungahanjiswa kulo izimpahla, eliphethe konke ukuxhumana, izincwajana, imibiko nezinqubo zenkantolo eziya kwisiphathimandla sezokuthutha;
- (f) Esimweni lapho indawo yezithuthi inezindawo ezenganyelwe ngokomthetho ngomasipala ababili noma ngaphezulu-
- (g) ukuphonsa esivivaneni sesikhwama semali yokuqhuba umsebenzi yisiphathimandla sezokuthutha kwa masipala ngamunye obandakanyekayo ; kanye
 - (ii) nokusebenza kuka chwepheshe, ungoti, ubuphathiswa, nokunye ukusebenza okuhambelana nokusebenza kwamandla nemisebenzi yesiphathimandla sezokuthutha ngokwalo Mthetho;
 - (iii) ngokuhambelana nalo Mthetho, izidingongqangi ekumele zibhekelwe nezindlela ekumele zilandelwe yinoma yimuphi umasipala ozibandakanyayo ofuna ukuhoxa kwisiphathimandla sezokuthutha, engakhohliwe yiloko okusamele akwenze kanye nezikweletu zaleso siphathimandla ngaleso sikhathi salokhu kuhoxa ; kanye
 - (iv) nezindlela okumele zilandelwe ukuqeda ngokuzikhethela leso siphathimandla sezokuthutha, ngokulandela isigaba 10(13) so Mthetho wa Zwelonke wesi Khashana we Zokuthutha ngo Mgwaqo;
- (g) Izinhlelo ezenziwelwe ukusebenza kuka chwepheshe, ungoti, ubuphathiswa, unobhala neminye imisebenzi yesiphathimanda sezokuthutha ngokwesigaba 21 no 20.

ISAHLUKO 5

AMANDLA NEMISEBENZI YEZIPHATHIMANDLA ZEZOKUTHUTHA

AMANDLA EZIPHATHIMANDLA ZEZOKUTHUTHA

11. (1) Isiphathimandla sezokuthutha singenza lemisebenzi elandelayo, ngokuhambisana nomthetho osebenza ko masipala:

- (a) ukubonisana ngezindlela zokukhokha, izinga lokukhokha, kanye nenkokhelo ebonelelwe yemikhakha eyahlukile yezithuthi zomphakathi nokulungisa inkokhelo ngezikhathi ngezikhathi nabasebenza ngezinsizakalo ezixhasiwe;
- (b) lapho kunezinsizakalo ezixhasiwe, zinqume izindlela zokukhokha kanye namazinga okukhokha, kanye nokukhokha okwephuliwe kwizigaba ezithile zabagibeli, bese elungisa okukhokhwayo izikhathi ngezikhathi ngokuthintana nababambe iqhaza, uma u MEC edlulisele noma enikezele umsebenzi wezokuxhasa kwi siphathimandla sezokuthutha;
- (c) lapho kungekho khona uxhaso kwezokuthutha umphakathi, anqume imali ekhokhwayo;
- (d) zakhe futhi zigcine kahle izakhiwo zokuthutha;
- (e) ziphathe ezokulawula kwizidingo zokuhamba;
- (f) ziphakamise ukuphepha kwizithuthi zomphakathi;
- (g) zilungise imininingwane yethenda futhi zimeme, zihlole bese zamukelise amathenda esivumelwano sezinsizakalo zezokuthutha umphakathi, uma kungukuthi ukwemukeliswa kwamathenda kuhambelana nemigomo efanele yama thenda;
- (h) ziphakamise futhi zigqogquzele ukusungulwa kwezindlela zamathikithi okudidiyele bese zibeka izindlela zokulawula ukwabelana ngenzuzo phakathi kwabasebenzi abathintekayo;

- (i) ziphathe konke ukulawulwa kwezokuthutha;
- (j) zixhumanise ulawulo kanye nokusebenzisana phakathi kwezizinda zocizelelo mthetho ngokwe zesiminyamina kanye nezokuthutha;
- (k) ukusebenzisa izindlela zokulawula ezokuthutha okuhloswe ngakho ukwenyusa izinga lokuhamba kwesiminyamina;
- (l) ukubunjwa, ukugcina kahle nokusebenzisa ezeminingwane yezithuthi ngokusebenzisana no MEC;
- (m) zenze izaba zokugwema ukonakala kwemigwaqo ngenxa yezimoto ezithwala okungaphezu kwesisindo esifanele;
- (n) zisabalalise ulwazi ngezokukhipha izinsizakalo zezithuthi;
- (o) zikhiphe iminingwane ngezithuthi zomphakathi ukusizakalisa abagibeli;
- (p) zikhuthaze ukubandakanyeka komphakathi ngokuba nendlela yokulalela, izingqungquthela nezinye izindlela zokwedlulisa ulwazi ukwenza isiqiniseko sokuthi kuba khona ukuxhumana nemiphakathi nabasebenzisi;
- (q) zibeke iso elinzulu ekusabalaliseni izinsizakalo-
 - (i) ngokubeka amazinga okusebenza ngobuchwepheshe, nokulandelela ukuhlonishwa kwalokhu; kanye
 - (ii) nokubeka iso elinzulu kwizivumelwano neziyekelelo;
- (r) zisungule, zitshale futhi zibekelele indlela yokugwema noma ukunciphisa noma yikuphi ukugqilazeka komhlaba nokwemvelo yizithuthi zomgwaqo; kanye
- (s) ngokuvumelana nomasipala abafanele-
 - (i) zithathe imisebenzi emayelana nemigwaqo yomasipala; futhi
 - (ii) zenze izaba zokunciphisa ukulimala kwemigwaqo kuleyo ngxenye yezindawo zezithuthi.

(2) Isiphathimandla sezokuthutha, ngemvume ya MEC, singedlulisela kunoma yiliphi ilunga noma ummeli wehhovisi, noma umasipala obandakanyekayo, noma yimaphi amandla esiwethwese yilo Mthetho.

(3) Isiphathimandla sezokuthutha singenza uphenyo nganoma yiluphi udaba oluwela ngaphansi kolawulo lwalo Mthetho nasendaweni yaso yezithuthi futhi, ngemvume yesiphathimandla esifanele, kunoma yiyiphi indawo engaphandle kwendawo yaso yezithuthi.

(4) Isiphathimandla sezokuthutha singaqashisela noma ngubani indawo engenamuntu noma isakhiwo esitholile bese kuthi imali esiyitholayo siyifake ebhange layo noma ugcinomali olubekiwe.

(5) Lapho izindawo zokusebenzela izithuthi zomphakathi zisendaweni yomuntu, isiphathimandla sezokuthutha singabhekelela ukusetshenziswa kwalezindawo ngemuva kokuxhumana nomnikazi wendawo.

(6) Isiphathimandla sezokuthutha singenza noma yini edingekayo ukuze sifeze imisebenzi yaso ngokwalo Mthetho, kanye nanoma yimuphi umthetho okwenzeka ukuthi uqhamuke ngenxa yalo Mthetho.

(7) U MEC nesiphathimandla sezokuthutha bangavumelana ngokuthi:

(a) imisebenzi eyahlukahlukene yenzelwe ezindaweni zasemaphandleni kunokuthi yenzelwe emadolobheni ezindaweni zezithuthi ezifanele; noma

(b) ngokomkhakha C kamasipala, njengoba kubekwe kusigaba 155(1)(c) so mthethosisekelo, njengo masipala obandakanyekile, imisebenzi eyahlukahlukene ingenzelwa ngaphansi kwendawo eyenganywe ngokomthetho ya masipala womkhakha B endaweni efanele, kunokuba yenzelwe ngaphandle kwalezi zindawo.

(8) Iziphathimandla zezokuthutha kumele, ngombono wokuqinisekisa ukuhlangana kogcinomthetho lwezokuthutha ngaphansi kwendawo yazo, zivame ukuthintana namaphoyisa (South African Police Service), yiziphathimandla

zocinomthetho zesifundazwe neza masipala ezifanele, kanye nabaseshi abakhethwe ngaphansi ko Mthetho wezoku Thutha Phakathi kwemi Ngcele, wa 1998 (umthetho 4 wa 1998);

(9) Isiphathimandla sezokuthutha, ngokuvumelana nomasipala obandakanyekile, singathatha ukusebenzisana noma ukusiza umasipala obandakanyekile ekusebenziseni izindlela zokulawula ezokuthutha ezihlose ukukhuphula izinga lokuhanba kwesiminyamina emigaqweni.

(10) Ngokuhambelana nomthetho osebenza ko masipala, isiphathimandla sezokuthutha kumele senze imisebenzi esibekelwe yona yilo Mthetho futhi, ngokuvumelana no MEC singa:

(a) thuthukisa ukusetshenziswa okuphelele kwezindlela ezikhona zokuhamba ukukhuphula izinga lomfutho lezokuthutha nokunciphisa isikhathi sokuhamba nokukhokhelwa kwakho; kanye

(b) nokukhokhela abasebenza ngezithuthi zomphakathi ngokwenkontileka yezinsizakalo ezixhasiwe nezivumelwano zeziyekelelo zokukhokha esiyingxenye yaso, uma u MEC edlulisele umsebenzi wakhe kwi siphathimandla;

(11) (a) Uma isiphathimandla sezokuthutha-

(i) sehluleka ukwenza umsebenzi waso ngokwesigatshana (1);

(ii) sizinikele ukwenza umsebenzi okhonjwe kusigatshana (7), bese sehluleka ukuwenza; noma

(iii) Sehluleka ukwenza noma yimuphi umsebenzi ngendlela ebonakalayo futhi efanele ngokwalo Mthetho futhi ehambelana nemithetho yesifundazwe,

U MEC angathi ngokubhalela usohhovisi omkhulu noma ithimba elilawulayo lezokuthutha litshele leso siphathimandla sezokuthutha ukuthi silungise lelophutha

bese senza imisebenzi ngobuqotho nangobungcweti, njengoba kudingeka, singakapheli isikhathi esibekwe kuleso saziso.

- (b) Ngaleyo ndlela ithimba elilawulayo kanye no sohhovisi omkhulu yibona okumele babhekelele ukulandelwa kwalesisinqumo ngokushesha.
- (c) Uma isiphathimandla sezokuthutha sehluleka ukulungisa iphutha ngesikhathi esibekwe kwisaziso, u MEC-
 - (i) angathatha izinyathelo ngaphambi kokungenelela ngokwesigaba 139 somthethosisekelo ukuze enze isiqiniseko sokugcwaliseka kwanoma yimuphi umsebenzi wenkaba dolobha noma wesiphathimandla sezokuthutha, okungaba khona kuwo ukucela inkabadolobha noma isiphathimandla sezokuthutha ukuthi babike ngenqubekela phambili asebeyenzile ekwenzeni lemisebenzi nokubika izinyathelo abahlose ukuzenza ukulungisa amaphutha enzekile ngesikhathi benza imisebenzi yabo; bese
 - (ii) esebenzisa imali ephuma esikhwameni sesifundazwe ebekelwe ukwabelwa isiphathimandla sezokuthutha, ukukhokhela izindleko eziqhamuka ngalezizinyathelo, noma isiphathimandla sezokuthutha kube yisona esikhokha lezizindleko.

(12) zonke iziphathimandla zezokuthutha kumele zilungisele u MEC umbiko wonyaka njengoba kubekiwe, okumele awubeke ngaphambi kwe Sishayamthetho sesi Fundazwe.

AMANDLA OKUSIZA EZIPHATHIMANDLA ZEZOKUTHUTHA

12. (1) isiphathimandla sezokuthutha singangenela isivumelwano no masipala, umuntu noma isizinda, noma kungaphakathi noma ngaphandle kwendawo yaso yezithuthi, ngokuthi:

- (a) isiphathimandla sezokuthutha sizosebenzisa amandla senze nomsebenzi walowo masipala, umuntu noma isizinda, obekumele asetshenziswe noma kwenziwe yilowo masipala, umuntu noma isizinda; futhi
- (b) lowo masipala, umuntu noma isizinda senze noma yimiphi imisebenzi noma ingxenye yawo ebekumele yenziwe yisiphathimandla sezokuthutha ngaphansi kwalo Mthetho.

(2) Isiphathimandla sezokuthutha singangenela isivumelwano esibekwe kwisigatshana (1) kuphela uma sinekhono eliseqophelweni ngokwa lo Mthetho futhi sihambelana nomthetho wezokuthutha wokusebenzisa amandla noma ukwenza umsebenzi ofanayo ngokwendawo yaso yezithuthi.

(3) Isivumelwano ngokwesigatshana (1) singafaka ukusetshenziswa kwezimali zesiphathimandla sezokuthutha ngaphandle kwendawo yaso yezithuthi, uma u MEC nelungu lomkhandlu ophakeme abaphethe bevumelana.

(4) ngaphezu kwamandla avunye phezu kwakho ngokwalo Mthetho nanoma yimiphi imithetho yesi fundazwe, isiphathimandla sezokuthutha singenza noma yini esemthethweni noma senze noma yini umuntu ngokomthetho angakwenza, ngaphandle kokuthi kungahambelani nalo Mthetho.

UKUPHATHA KWEZIPHATHIMANDLA ZEZOKUTHUTHA

13. Ithimba elilawulayo limele isiphathimandla sezokuthutha, futhi zonke izenzo ezenziwa yithimba elilawulayo nanoma ngubani othweswe amandla yilelithimba ukuthatha isikhundla salo, ziyizenzo zesiphathimandla sezokuthutha.

ISIAHLUKO 6

**IZIMALI ZEZINKABA DOLOBHA NEZEZIPHATHIMANDLA
ZEZOKUTHUTHA****IZIMALI ZEZINKABA DOLOBHA**

14. izimali zezinkaba dolobha ngokuhambelana nalo Mthetho ziyolawulwa ngokwemithetho yo Mthetho wezoku Thutha ema Dolobheni wa 1997, (u Mthetho 78 wa 1977).

IZIMALI ZEZIPHATHIMANDLA ZEZOKUTHUTHA

15. (1) (a) Isiphathimandla sezokuthutha kumele-

(i) kuthi kungakabi yizinyanga ezintathu ngaphambi kokuphela konyaka wezimali silungise ibhajethi equkethe isitatimende sesilinganiso semali engenayo nephumayo sonyaka wezimali olandelayo; bese

(ii) sihambisa lebhajethi ko masipala ababandakanyekile ukuze samukelwe ngosuku olubekwe ngu MEC;

kodwa lesisiphathimandla kungathi noma yinini phakathi nonyaka okuphezu kwawo silethe enye ibhajethi eyisesekelo yalowo nyaka wezimali ko masipala ukuthi yamukelwe ngo masipala.

(b) Isiphathimandla sezokuthutha asimele sibe nanoma yiziphi izindleko ezingaphezulu kwenani, sekuhlangene nenani eliyisesekelo, elamukelwe ngo masipala ngokwendima (a).

(c) Isiphathimandla sezokuthutha singavula isikhwama esingumgodla ngenhloso yanoma yini ehlangene nemisebenzi yaso ngokwalo Mthetho, esamukelwe ngu MEC, bese sabela isikhwama esingumgodla izimali ezenzelwe izinhloso zebhajethi, sekuhlangene nanoma

yyiphi ibhajethi eyisesekelo eyamukelwe ngaphansi
kwendima (a).

(2) **Usohhovisi omkhulu wezokuthutha kumele:**

(a) agcine amabhuku obalulo mali ngokuhambelana nezindlela nokwenza okungujikelele kobalulo mali; bese

(b) eqinisekisa ukuthi imibiko yobalulo mali ifaka nemali yonke eqongeleleka kwisiphathimandla sezokuthutha kanye nezindleko zaleso siphathimandla sezokuthutha.

UKUBOLEKA IMALI YIZIPHATHIMANDLA ZEZOKUTHUTHA

16. Isiphathimandla sezokuthutha singaboleka imali ukusiza ukulandela uhlelo oludidiyele lwezokuthutha oselwamukelwe futhi lemali yokubolekwa kumele:

- (a) Iqale yamukelwe ngu MEC; futhi
- (b) Ivele kwi bhajethi.

IMITHETHO YENDAWO

17. (1) Inkaba dolobha noma umasipala ofanele, ngezincinome zesiphathimandla sezokuthutha nangokuhambisana nesigatshana (2), ngokohlelo oludidiyele lwezokuthutha oselwamukeliwe, angabeka imithetho yendawo:

- (a) ukulawula ubukhulu, umkhakha, isesindo noma inani lezimoto ezingangena kunoma yyiphi ingxenye yendawo yezithuthi bese ebeka isikhathi noma izikhathi lapho noma yimuphi umkhakha wemoto engangena ngawo kunoma yyiphi ingxenye;

- (b) ukulawula noma ukwenqabela ukungena kwanoma yimuphi umkhakha wemoto kunoma yiyiphi ingxenye nganoma yisiphi isikhathi esibekiwe;
- (c) ukwenqabela ukwethula noma ukulayisha kwezimoto izimpahla kunoma yiyiphi ingxenye nganoma yisiphi isikhathi noma izikhathi ezibekiwe, bese ebeka isikhathi noma izikhathi lapho kungethulwa noma kulayishwe ngaso izimpahla;
- (d) ukulawula noma ukwenqabela ukubekwa kwezindawo zokumisa izimoto kunoma yisiphi isakhiwo noma ibhilidi kunoma yiyiphi ingxenye nganoma yisiphi isikhathi esibekiwe;
- (e) ukulawula ukuziphatha kwabashayeli bezimoto ezithutha umphakathi;
- (f) ukulawula ukuhlinzeka nokusetshenziswa kwezakhiwo zezithuthi zomphakathi; kanye
- (g) nokulawula nanoma yiluphi udaba ukuqhubekisa izinhloso zalo Mthetho.

(2) Imithetho yendawo ebekwe ngaphansi kwalesi sigaba ingamema izinhlawulo ezingeqile kulezo ezibalulwe ngaphansi kwesigaba 39 ngokuyephula noma ukwehluleka ukuyigcina.

UKWABA KUKA HULUMENI WESI FUNDAZWE

18. u MEC, ngokuhambisana no Mthetho wezo Lawulo lwezi Mali Zomphakathi, wa 1999 (u Mthetho 29 wa 1999):

- (a) angakhokha noma axhase njengoba ebona kufanelekile ukuqhubeka imigomo nezinjongo zezokuthutha kwisi fundazwe nokwesekela izimali zezinhloko dolobha noma zeziphathimandla

zezokuthutha, futhi angaba izimali ezikhokhwe kanjalo noma ezixhasile kwiziphathimandla zezokuthutha ezifanele;

- (b) angakhokha ngokwesikhashana, izinkontileka zezinsizakalo zamathenda noma ezixhasiwe kanye nokusiza nanoma yisiphi isivumelwano soxhaso;
- (c) angenza uxhaso ukusiza imikhakha ethile yabagibeli ukwenza ukudambisa izindleko zezithuthi zomphakathi;
- (d) angakhokha ngokuphonsa esivivaneni ukusiza ekuhlinzekeleleni nokugcina kahle izakhiwo zezokuthutha;
- (e) angakhokha noma axhase ukuze adambise izindleko zezinhlelo zokuphepha emigaqweni;
- (f) angakhokha noma axhase ukudambisa izindleko zokuletha ubuchwepheshe noma izindlela ezintsha;
- (g) angakhokha noma axhase ukudambisa izindleko zohlaka noma imikhankaso yokuhlola;
- (h) angakhokha noma axhase ukudambisa izindleko zokubumba nokugcina izindawo zoqeqesho nolwazi;
- (i) angakhokha noma axhase ukudambisa izindleko zokubumba nokugcina izindlela zokugcina ulwazi neminingwane;
- (j) angakhokha noma axhase ukudambisa izindleko zemikhankaso emayelana nezokuthutha, ukufunda nocwaningo okubalulekile kwisi fundazwe ukuze sifeze imisebenzi yaso; futhi
- (k) akhokhe noma axhase nanoma yiyiphi inhloso yokuphumelelisa injongo yalo Mthetho.

ISAHLUKO 7

UKUQEDWA KWEZIPHATHIMANDLA ZEZOKUTHUTHA

UKUQEDWA KWEZIPHATHIMANDLA ZEZOKUTHUTHA

19. (1) (a) Ngokuhambelana nendima (b) yalesisi gatshana, isiphathimandla sezokuthutha singaqedwa kuphela ngendlela ebekwe kulesisigaba; futhi
- (b) Indima (a) yalesisigatshana ayisithinti isikhundla sa MEC wahulumeni wesifunda, lapho enza ngokwesigaba 14 sa Hulumeni wa Sekhaya: u Mthetho Wezakiwo zo Masipala, wa 1998 (u Mthetho 117 wa 1998).
- (2) Isiphathimandla sezokuthutha siqedwa ngokwesigatshana (1)(a) uma lezizi dingongqangi ezilandelayo zifeziwe:
- (a) Uma kukhona ingxenye eyodwa kuphela ya masipala kwisiphathimandla sezokuthutha, seyithathe isinqumo sokuphuma kwisiphathimandla sezokuthutha futhi seyazise no MEC ngencwadi ngalesi sinqumo;
- (b) Lapho kukhona omasipala ababili noma abathathu abayingxenye yesiphathimandla sezokuthutha-
- (i) omasipala abathintekayo sebevumelene ngokuthi siqedwe isiphathimandla sezokuthutha, futhi sebemazisile u MEC; futhi
- (ii) noma yimuphi walabo masipala esethathe isinqumo sokuphuma kuleso siphathimandla sezokuthutha futhi bonke omasipala asebethathe lesinqumo sebazise u MEC kanye nezinye izingxenye ngesinqumo sabo;
- (c) u MEC, kumele kuthi zingakapheli izinsuku ezingu 30 azisiwe, akhiphe isaziso kwi Phephandaba lesi Fundazwe nakwi phephandaba elejwayelekile elikhona kuleyo ndawo yezithuthi liqukathe-
- (i) imininingwane yokuqedwa okucatshangwayo;

- (ii) isimemo salabo abathandayo ukuthi baveze izimvo zabo futhi babeke nemibono ngalokhu; futhi
- (iii) sicela labo abathandayo ukuthi bathumele imibononezimvo zabo, ngokubhala, ku MEC ngosuku olubalulwe kwi sazi, kodwa isikhathi esiyizinsuku okungenani ezingu 30 kumele zibekelwe ukwamukela izimvo nemibono;
- (d) bonke abayingxanye yesiphathimandla sezokuthutha kumele bangenele isivumelwano ngendlela yokuthi kwenziwe izindlela, ngokubhekelela izimvo nemibono, uma ikhona, ethunyelwe ngokulandela isazi sa MEC ngokwe sigatshana 19(2)(c), ngokwezinto ezibalwe kwisi gatshana 10(13) so Mthetho wa Zwelonke we Sikhshana wezoku Thutha ngoMgwaqo kodwa usuku lokuqeda kumele lubekwe ngendlela yokuthi lunikeze ithuba elanele lokukhipha isazi ngokwesi gatshana (4); futhi
- (e) U MEC wa hulumeni wendawo uyothintwa ngesinqumo sokuqeda isiphathimandla sezokuthutha.

(3) Uma u MEC nomasipala abafanele abangamalunga aleso siphathimandla sezokuthutha bengavumelani nganoma yiluphi udaba olubekwe kusi gatshana 19(2):

- (a) udaba kumele lunqunywe ngokulanyulwa ngoko Mthetho wezoku lamula wa 1965 (u Mthetho 42 wa 1965), futhi okunqunywe ngu mlamuli kungokokuqedela futhi kuyabophezela; bese
- (b) ngenxa yesigatshana (2) isinqumo somlamuli sithathwa njenge ngxanye yesivumelwano esikhonjwe kwindima (d) yalesisi gatshana noma, lapho kufanele, njengesesekele lesosivumelwano.

(4) U MEC kumele, zithi zingakapheli izinsuku ezingu 30 kufinyelelwe kwisivumelwano esikhonjwe kusigatshana (2) noma (3), afake isaziso kwi Phephandaba lesi Fundazwe noma iphephandaba elejwayelekile elikhona endaweni yezithuthi efanele, ngokuqedwa kwesiphathimandla sezokuthutha futhi akhiphe indlela yesivumelwano, kodwa usuku lokuqedwa kumele lubekwe okungenani sekuphele izinsuku ezingu 90 kusukela kuphume isaziso.

ISAHLUKO 8

ABAPHATHI ABAKHULU BEZOKUTHUTHA

ABAPHATHI ABAKHULU BEZOKUTHUTHA

20. (1) Abayingxenywe yesivumelelwano esiyisendlalelo banga hlinzekela:

- (a) ukuthi ubungcweti, ubungoti, ubuphathiswa neminye imisebenzi ephathelene nokusebenzisa amandla nokwenza imisebenzi yesiphathimandla sezokuthutha ngokwalo Mthetho, kumele yenziwelwe isiphathimandla sezokuthutha yenziwe ngubuphathiswa ba masipala boyedwa noma ngaphezulu komasipala ababandakanyekile, noma
- (b) ukubunjwa yisiphathimandla sezokuthutha kwethimba elingaphansi kwaso futhi elilawulwa yiso (ngemuva kwalokhu libizwa ngabaphathi abakhulu bezokuthutha), ukwenza yonke imisebenzi yaleyo ndlela noma yimuphi umkhakha womsebenzi liwenzela isiphathimandla sezokuthutha.

(2) Lapho isivumelwano esiyisendlalelo sihlizekela ukumiswa komphathi omkhulu wezokuthutha:

- (a) kungahlizekelwa, uma kufakwe isicelo ngesinye isiphathimandla sezokuthutha, ukuthi laba baphathi abakhulu bezokuthutha bakwazi ukwenzela lesisiphathimandla sezokuthutha umsebenzi ofana nalo

- (i) ngokwesivumelwano esibhalwe phansi esinganelwe yiziphathimandla zezokuthutha ezifanele;
 - (ii) ngenkokhelo ebalulwe kuleso sivumelwano; kanye
 - (iii) ngokwezimo kunye nokuya ngezimiso ezibalulwe kwisivumelwano esiyisendlalelo; kanye nezimo nezimiso ezibalulwe kuleso sivumelwano; futhi
- (b) kumele kuhlinzekelwe okungenani lokhu okulandelayo-
- (i) lapho kungeyona yonke imisebenzi yobungcweti, yobungoti, yobuphathiswa kanye neminye imisebenzi yesiphathimandla sezokuthutha ekumele yenziwe ngabaphathi abakhulu bezokuthutha, kubalulwe izinhlobo noma imikhakha yemisebenzi ekumele yenziwe ngabaphathi abakhulu bezokuthutha;
 - (ii) indawo lapho kuzoba khona amahhovisi abaphathi abakhulu bezokuthutha;
 - (iii) izindlela zokukhetha abazosebenza kwisiphathimandla sezokuthutha; kanye
 - (iv) nokunikwa kwamandla okuqasha nokuxosha abasebenzi.

ABAPHATHI ABAKHULU ABAHLANGANYELE BEZOKUTHUTHA

21. (1) U MEC kanye nanoma yiziphi iziphathimandla ezimbili zezokuthutha ezethweswe ngomasipala bazo amandla zingangenela isivumelwano esihlinzekela imininingwane yabaphathi abakhulu bezokuthutha abangaphansi kolawulo lwalezo ziphathimandla zezokuthutha ngokuhlangana, ukwenza ngamunye wazo, umsebenzi ngobuchwepheshe, ngobungoti, ngobuphathiswa kanye neminye imisebenzi ehambelana nemisebenzi yazo njengeziphathimandla zezokuthutha ngokwalo Mthetho (ngemuva kwalokhu uzobizwa ngabaphathi abakhulu abahlanganyel bezokuthutha).

- (2) kulesi sivumelwano kumele okungenani kuhlinzekelwe:

- (a) udaba olukhonjwe kwisigatshana 20(2)(b), okuthi, ngoshintsho olufuneke kwingqikithi, lusebenze ngokuhambelana nabaphathi abakhulu bezokuthutha;
- (b) amandla eziphathimandla zezokuthutha ezibandakanyekayo ngokusebenzisa ubunduna nokulawula abaphathi babo abakhulu abahlanganye bezokuthutha; kanye
- (b) nokuphonsa esivivaneni kwesiphathimandla sezokuthutha ngasinye esibandakanyekayo ekuxhaseni ngemali izikhulu ezihlanganye zezokuthutha.

ISAHLUKO 9

UKWEDLULISELA AMANDLA

UKWEDLULISELA AMANDLA YITHIMBA ELIPHETHE

22. Ithimba eliphethe lesiphathimandla sezokuthutha lingadlulisela noma yimaphi amandla alo noma imisebenzi ngokwalo Mthetho, ngaphandle kwamandla okulawula akhonjwe kusigaba 13 kanye namandla akhonjwe kulesisigaba, kunoma yiliphi ilungu lalelo thimba eliphethe.

IMITHETHO EPHATHELENE NOKWEDLULISELWA KWAMANDLA

23. (1) Ukwedlulisela amandla ngaphansi kwesigaba 22:
- (a) kungenzeka ngokuhambelana nemigomo ebekwe yithimba eliphethe;
 - (b) kungahambisana namandla okuphinda adluliselwe phambili, ngokuhambisana nanoma yimiphi imigomo ebekiwe; futhi
 - (c) kumele kubhalwe phansi futhi kuqathe imininingwane egcwele yamandla adluliselwayo neyanoma yimiphi imigomo ehambisana nokwedluliselwa kwamandla, bese kuthi, lapho ukudluliselwa kafuthi kuqinisekisiwe, kumele lokho kwaziswe kanye nanoma yimiphi imigomo ehambelana nakho.

(2) Ithimba eliphethe kungathi noma nini:

- (a) lishintshe noma lichithe ukwedluliselwa kwamandla okwenziwe ngaphansi kwesigaba 22; noma
- (b) lihoxise noma yisiphi isinqumo esenziwe yilowo odluliselwe amandla ngokwalokho okwedluliselwe, bese lithatha isinqumo ngokwalo kodwa isinqumo esenziwe yilowo odluliselwe amandla asikwazi ukuhoxiswa uma siqinisekisa ilungelo loyingxenye yesithathu.

(3) Uma u MEC anelisekile ukuthi izidingo zezokuthutha ngomgwaqo kwisi Fundazwe noma indawo yezithuthi efunekile, u MEC angathi ngokwazisa kwi Phephandaba la Hulumeni lesi Fundazwe:

- (a) anqabele ukwedluliselwa kwanoma yimaphi amandla athile noma umsebenzi, noma ngabe ongu jikelele noma owesimo esibalulwe kwisaziso;
- (b) anciphise izimo okungadluliselwa ngazo noma yimaphi amandla athile noma umsebenzi;
- (c) amise imigomo yokudluliselwa kwanoma yimaphi amandla athile noma umsebenzi; futhi
- (d) ngokuhanbelana nanoma yimaphi amandla noma umsebenzi okubalulwe kwisaziso, anqabele ukwedlulisa futhi amandla lapho ithimba eliphethe ledlulisela lawo mandla noma umsebenzi.

ISIAHLUKO 10

UKUHLELA NGEZOKUTHUTHA

**IMITHETHO ENGJUKELELE YOKUHLELA NGEZOKUTHUTHA,
NOKUHLOBANA KWAYO NOKUTHUTHUKISWA KOMHLABA**

24. (1) Uhlelo lwezokuthutha ngomgwaqo kumele ludidiyelwe nokuqutshwa kwezoku thuthukiswa komhlaba, bese kuthi izinhlelo ezidingelwa lenhloso yilo Mthetho zenzelwe ukunikeza isimo somsebenzi wohlelo lwa masipala olukhonjwe kwingxenywe B ye sheduli 4 yomthethosisekelo, futhi kumele yamukelwe futhi ibe yingxenywe ebalulekile yohlelo oludidiyele lwezokuthuthukisa, ngokubhekelela isigaba 84(1)(a), 84(2) no 84(3) sa Hulumeni wa Sekhaya: uMthetho we Zimo zo Masipala wa 1998 (u Mthetho 117 wa 1998), futhi ngenxa yalesi sizathu:

- (a) lapho isiphathimandla esenza uhlelo singu masipala okhonjwe kusigaba 26(1)(c), izinhlelo ezibalwe kwizindima (b) kuya ku (f) zesigatshana (1) sesigaba 25 kumele zibe yingxenywe yezezithuthi zohlelo oludidiyelwe lokuthuthukisa kwa masipala; futhi
- (b) lapho indawo eyenganywe ngu masipala ngokomthetho iwela yonke noma ingxenywe yayo endaweni yezithuthi noma eNdaweni ye Zithuthi ze Dolobhakazi, izinhlelo ezibalwe kwizindima (b) kuya ku (f) zesigatshana (1) sesigaba 25 ziyingxenywe yezezithuthi zohlelo lokuthuthukisa oludidiyele lwalowo masipala ngokwaleyo ngxenywe yezindawo zomthetho eziwela ngaphansi kwendawo yezithuthi noma indawo yezithuthi ze dolobhakazi.

(2) Ngokuhambisana nalesisigaba, uhlelo lwezokuthutha ngomgwaqo kumele luqutshwe ngendlela lwengame yomibili imikhakha yezithuthi ezizimele nezomphakathi kanye nayo yonke imikhakha yezokuthutha ngomgwaqo ezibalulekile kuleyondawo efanele, futhi kumele lubhekisise kakhulu ezindleleni ezinomphumela futhi ezinokonga nomnotho zokuhamba usuka kwenye indawo uya kwenye.

- (3) Izinhlelo zokuthutha kumele zithuthukiswe ukuze:

- (a) zikhuthaleze ukusebenza ngomphumela kwamadolobha, amathawini nezindawo zasemaphandleni ngohlelo oludidiyele lwesimo nezakhiwo zezokuthutha, ukusebenza ngezithuthi sekuhlangene nokuthuthwa kwempahla, izinsizakalo ezihamba ngobukhulu kanye nezinsizakalo zezithuthi zomphakathi ngaphakathi kwengqikithi yalezo zinhlelo zokuthuthukisa ngokwa Hulumeni wasekhaya: uMthetho we Zimo za Masipala wa 2000 (u Mthetho 32 wa 2000);
- (b) ziqondise amathuba okuqashwa nezenzakalo, ukusetshenziswa okuxubile komhlaba kanye nokuthuthukiswa okuphakeme nokuhlangene kwezindawo zokuhlala ekusetshenzisweni okuphakeme kwezithuthi zomphakathi ezihlangene ngezokuthuthukisa ngaphakathi kwemi hhume, futhi ikhanyabeze ukuya emadolobheni lapho izithuthi zomphakathi zingandile khona;
- (c) zinake kakhulu ukugcwalisa nokuminyanisa imigudu enezithuthi zomphakathi;
- (d) Zinake kakhulu izithuthi zomphakathi kunezizimele ngokuqinisekisa ukuhlinzeka ngezinsizakalo zezithuthi zomphakathi ezanele nokusebenzisa izinyathelo zolawulo lokudingeka kokuhamba ukudikibalisa ukuthi abantu bahambe ngezimoto zabo;
- (e) ukwandisa ukufinyeleleka kwezinsizakalo zezithuthi zomphakathi nezindawo zazo, nokusebenziseka kwalezizithuthi ngabantu abakhubazekile; futhi
- (f) zinciphise ukuthinteka okukhulu kwemvelo.
- (4) Uhlelo lwezokuthutha lumele lubonwe njengento eqhubekayo okuthi izinkaba dolobha neziphathimandla zezokuthutha zithuthukise ngobuchwepheshe futhi zilandele izinsizakalo zezokuthutha umphakathi ezididiyele ezindaweni zazo

(5) Inkaba dolobha kanye nesiphathimandla sezokuthutha kumele, ngaphandle kokuthi kungahambisani nhlobo noma kungakwazeki ukuthi kwenzeke ngaphansi kwesimo, ekwenzeni uhlelo noma yiluphi lwezokuthutha, benze isiqiniseko sokuxhumana nokudidiyeleka phakathi kwemikhakha yezokuthutha ngomgwaqo ukuze kuhambiseke kahle ukufinyeleleka nokusebenziseka kwezinsizakalo zezithuthi zomphakathi, izindawo nezakhiwo.

(6) u MEC kumele enze isiqiniseko sokuxhumana kwezindlela zokuhlela zazo zonke izinkaba dolobha neziphathimandla zezokuthutha ezingaphansi kwendawo yomthetho wesi fundazwe bese kuthi, ekwenzeni njalo, aqiniseke ukuthi zonke izinhlelo zibhekelele:

- (a) izinsizakalo zezokuthutha umphakathi ezisebenza zinqamule imingcele yezinkaba dolobha, iziphathimandla zezokuthutha kanye nanoma yisiphi isiphathimandla samasipala;
- (b) izinkambo zemigwaqo no jantshi;
- (c) ukuhamba kwezimpahla;
- (d) izidingo zemikhakha yabagibeli abehlukile;
- (e) ukungezwani phakathi kwezinkaba dolobha neziphathimandla zezokuthutha ezakhelene okungaholele ekuphindaphindekeni. noma ukulethwa okungaphezu kokudingeka kwezithuthi, izakhiwo nezinqalasisinda esigodini; kunye
- (f) nokuhlanganisa ezokuthutha kanye nohlelo lokusetshenziswa komhlaba ngaphakathi kwengqikithi ya Hulumeni we Ndawo: uMthetho we zimo za Masipala, wa 2000 (u Mthetho 32 wa 2000), nanoma yimuphi umthetho wendawo ofana nalo.

IZINHLOBO ZEZINHLELO EZIFUNWA YILO MTHETHO

25. (1) Lezizinhlelo ezilandelayo zifuneka ngenhloso yalo Mthetho:

- (a) uhlaka lwesifundazwe ngezithuthi zomgwaqo esihlinzekelwe kwisigaba 27;
 - (b) izishicilelo zakamuva zezokuthuthi zomphakathi ehlinzekelwe kusigaba 28;
 - (c) izindlela zamalaysense okusebenza ezihlinzekelwe kusigaba 29;
 - (d) izinhlelo zokucacisa ezihlinzekelwe kusigaba 30;
 - (e) izinhlelo zezithuthi zomphakathi ezihlinzekelwe kusigaba 31; kanye
 - (f) nezinhlelo ezididiyelwe zezokuthutha ezihlinzekelwe kusigaba 32.
- (2) Ukuhlobana nohla lwezinhlelozezokuthutha zinje ngokulandelayo:
- (a) u Mnyango kumele ulungise uhlaka lwesifundazwe ngezithuthi zomgwaqo lwawo lokuqala njengesiqondisi esingu jikelele sokuhlela ezokuthutha ngaphakathi kwisi Fundazwe ekumele sididiyelwe nohlelo lwezokuthuthukisa kwisi fundazwe;
 - (b) zonke iziphathimandla zezokuthutha kanye nezinhloko dolobha, kanye nabo bonke omasipala abalayelwa ngu MEC, kumele balungise uhlelo lwezokuthutha umphakathi ekumele lube-
 - (i) nesishicilelo sakamuva sezithuthi zomphakathi; kanye
 - (ii) nendlela yamalaysensi okusebenza; kanye
 - (iii) nohlelo lokucacisa, uma inezinsizakalo zezithuthi zomphakathi ezixhasiwe;
 - (c) iziphathimandla zezokuthutha nezinkaba dolobha, nabanye omasipala abalayelwe ngu MEC, kumele zilungise uhlelo oludidiyele lwezokuthutha okukhona kulo uhlelo lwezokuthutha umphakathi njengengxenywe yalo; bese

(d) u Mnyango ulungisa olunye uhloko lwesi fundazwe ngezithuthi zomgwaqo okuthi, nangaphezu kokuhlinzekelwa kwindinyana (a), kumele lufingqwe izinhlelo zendawo kwisi Fundazwe.

(3) Uhloko lwesi Fundazwe ngezithuthi zomgwaqo kumele lufake ukuhlela kwazo zombili izinsizakalo zebanga elide ngaphakathi kwisifundazwe naphakathi kwezifundazwe, okumele kuthi lapho kufanele zixhumane nezinye izinsizakalo zezithuthi zomphakathi, futhi kumele sihlizekele nezinsizakalo zokuqashisa, ezabasebenzi nezabavakashi, bese kuthi kuzithuthi eziphakathi kwezifundazwe, lokhu kumele kwenziwe kokuthintana no MEC wesinye isifundazwe esithintekayo.

(4) Isiphathimandla sokuhlela esikhonjwe kusigaba 26 kumele, ngendlela ebekiwe, sikiphe umbiko:

(a) ngesingisi nangolwimi okungenani olulodwa olusemthethweni kwiphephandaba elitholakala endaweni yesiphathimandla sokuhlela; futhi

(b) omemezela ukuthi uhlelo okuphezu kwalo seluphethiwe futhi luyatholakala ukuthi lihlolwe ngumphakathi endaweni ebalulwe kumbiko

(5) u MEC angabeka izindlela ekumele zilandelwe ekuphakamiseni ukubandakanyeka komphakathi ekwenzeni uhlelo lwezokuthutha.

(6) Okuqokethwe ohlelweni olushiwo kwisi gatshana 25(1)(a) kuya ku (f) kumele kuthobeke izidingongqangi zalo Mthetho, kodwa u MEC angashintsha izidingongqangi zalezo nhlelo, ngendlela ebekiwe, ngokubonelela izindawo zasemaphandleni kwisi Fundazwe.

IZIPHATHIMANDLA ZOKUHLELA

26. (1) Izinhlelo ezikhonjwe kusigaba 25(1)(b) no (c) kanye, lapho kufanele, nesigaba 25(1)(d), (e) no (f), kumele zilungiswe yilezi ziphathimandla ezilandelayo, eziyokwaziwa njenge ziphathimandla zokuhlela, ngokuya nezigatshana (4)

no (5), kanti lezizinhlelo zingehluka ngokweziphathimandla zokuhlela zasemaphandleni ngaphandle kwalezo ezinezinsizakalo zezokuthutha umphakathi ezixhasiwe:

- (a) iziphathimandla zezokuthutha, ngokwezindawo zazo zezithuthi;
- (b) izinkaba dolobha, ngokwezindawo zazo zezithuthi kuma dolobhakazi; kanye
- (c) nabanye omasipala, abangabaliwe endaweni eyenganywe ngokomthetho yenkaba dolobha noma yesiphathimandla sezokuthutha nokuthi uma kufunwa ngu MEC.

- (2) (a) Isiphathimandla sokuhlela singangenela isivumelwano nanoma yisiphi esinye isiphathimandla sokuhlela noma u Mnyango ukusiza ekwenzeni imisebenzi yaso ngokwalesi sigaba; futhi
- (b) Lesi sivumelwano asisho ukuthi isiphathimandla sokuhlela siyakhululeka emsebenzini esethweswe yilesisigaba ukuthi siwenze.

(3) zonke iziphathimandla zokuhlela kumele zilethe kwibhodi izinhlelo ezifanele zezokuthutha bese zenza izincomo kulelo bhodi ngokuguqulwa kwezimvume zibe ngamalayisensi okusebenza, nangokufaka izicelo ezintsha zamalayiseni okusebenza, njengoba kufunwa ingxenye yesi 9 yo Mthetho wa Zwelonke wesi Khashana we ZokuThutha ngoMgwaqo.

(4) Lapho kukhona khona izinsizakalo eziningi zezokuthutha umphakathi phakathi kwezindawo zezithuthi ezisondelene, u MEC nguyena omelene nohlelo olunomphumela lwalezi zinsizakalo, futhi kumele aqinisekise ukuthi izinsizakalo zihlelwa ngokuhlanganyela neziphathimandla ezibandakanyekayo futhi zididiyelwe nezinhlelo zazo zezithuthi.

(5) Isiphathimandla sezokuthutha singafaka isicelo ku MEC sokuthatha umsebenzi wokuhlela izinsizakalo ezikhonjwe kwisigatshana (4), bese kuthi ekuthatheni isinqumo sokuthi akwenze yini lokhu, u MEC kumele abhekele:

- (a) indlela izinsizakalo ezisetshenzwa ngalo kuleyo ndawo yezithuthi okukhulunyelwa phezu kwayo; kanye

(b) nokukwazi kwesiphathimandla sezokuthutha ukuphatha imisebenzi emayelana nalomsebenzi.

(6) ngokwesi funda sikamasipala njengoba sichazwe ku Hulumeni wa Sekhaya: u Mthetho we Zimo za Masipala wa 1998 (u Mthetho 117 wa 1998), umasipala onjalo neziphathimandla zawo zezokuthutha kumele bavumelane ukuthi yimuphi kubona okumele alungise izinhlelo ezikhonjwe kusigaba 25(1)(b) kuya ku (f).

UHLAKA LWESI FUNDAZWE NGEZITHUTHI ZOMGWAQO

27. (1) U MEC kumele kuthi minyaka yonke alungise uhloko lwesi fundazwe lwezithuthi zomgwaqo okumele:

- (a) lube ngolwesikhathi esiyiminyaka emihlanu;
- (b) luhambisane nanoma yiziphi izidingongqangi zika zwelonke noma, uma zingekho lezi zidingongqangi zika Zwelonke, ngokwendlela nengqikithi yohlaka lwezithuthi zomgwaqo lwesi fundazwe olusungulwe ngokuhlanganyela nezinkaba dolobha ezifanele kanye neziphathimandla zezokuthutha kwisi Fundazwe; futhi
- (c) ludidiyelwe nohlelo lokuthuthukiswa kwesifundazwe.

(2) Uhlaka lokuqala lwesifundazwe ngezithuthi zomgwaqo kumele lusebenze njengenkomba ndlela yezithuthi zomgwaqo kwisi Fundazwe, sekuhlangene nezithuthi zaphakathi kwisifundazwe neziphakathi kwezifundazwe kanye nezinqamula imingcele kanti noma yiziphi izinhlelo zesi fundazwe ngezithuthi ngomgwaqo ezilandelayo kumele zibe nezifingqo zezinhlelo zendawo ngaphakathi kwisi Fundazwe.

(3) Uhlaka lwezithuthi zomgwaqo kwisifundazwe kumele luhanjiswe ku Ngqongqoshe futhi kumele luhambisane nezimpindakabili zazo zonke izivumelwano ezimayelana nezithuthi zaphakathi kwezifundazwe ezangenelwa yisi Fundazwe nezinye izifundazwe.

IZISHICILELO ZAKAMUVA ZEZITHUTHI ZOMPHAKATHI

28. (1) Zonke iziphathimandla zezokuthutha kumele kuthi ngemuva kwesikhathi esinomqondo esibonakalayo kuqalise lo Mthetho, kodwa ngosuku olubekwa ngu MEC, zilungisele indawo yazo isishicilelo sakamuva sezokuthutha umphakathi, okumele sibe yingxenye yohlelo lwezokuthutha umphakathi futhi lube yisendlalelo sezindlela zokuqalisa amalayisense okusebenza, izinhlelo zokucacisa, izinhlelo zezokuthutha umphakathi kanye nezinhlalo ezididiyelwe zezokuthutha.

(2) Izishicilelo zakamuva zezithuthi zomphakathi kumele zilungeswe ngokuhambelana nezi dingongqangi ezimiswe ngu MEC, noma ngu Ngqongqoshe ngokwamandla akhe ngaphansi ko Mthetho ka Zwelonkewe Sikhashana wezoku Thutha ngo Mgwaqo ngemuva kokuthintana nezinkaba dolobha ezifanele, yiziphathimandla zezokuthutha noma omasipala.

(3) Leso sishicilelo sezithuthi zomphakathi kumele sifake:

(a) zonke izinsizakalo ezihlelelwe nezingahlelelwe ezisebenza endaweni yesiphathimandla sokuhlela, futhi sibhekelele lezo zinsizakalo eziphakathi kwezindawo zeziphathimandla zokuhlela ezingomakhelwane;

(b) zonke izinto zokusebenza nezinqalasizinda okusendaweni nokusetshenziswa endaweni efanele kusetshenziselwa inhloso noma ukuhambisana nezinsizakalo zezithuthi zomphakathi ezikhonjwe kwindima (a), kanye nezinto zokusebenza nezinqalasizinda ezimiselwa lezo nhloso endaweni efanele.

(4) Izishicilelo zakamuva zezithuthi zomphakathi kumele zinikwe u MEC yiziphathimandla zokuhlela ngaphambi kosuku olubekwe kwisi gatshana (1).

(5) Izishicilelo zakamuva zezithuthi zomphakathi kumele zilungiswe minyaka yonke, kuthi ekuzilungiseni, iziphathimadla zokuhlela kumele zishicilele ushintsho olwenzeke ekunikezelweni kwezinsizakalo zezithuthi zomphakathi ngokuya ngezindawo zazo ezehlukene, sekuhlangene nokukhishwa kwamalayisensi okusebenza

nokushintshwa, ukudluliselwa, ukumiswa, ukuphelelwa yisikhathi, ukuhoxiswa nokuqeqwa yibhodi kwamalayiseni okusebenza noma izimvume.

IZINDLELA ZAMALAYISENSI OKUSEBENZA

29. (1) Isiphathimandla sokuhlela kumele silungise uhlelo olwaziwa ngokuthi indlela yamalayiseni okusebenza, okumele igcine ngokuba yingxenye yohlelo lwezokuthutha umphakathi, ukusiza ibhodi uma selikhipha izicelo ezimayelana namalayiseni okusebenza ukuphumelela ukulinganisa ukukhipha izithuthi zomphakathi nokuzisebenzisa okunomphumele nokuhlelekile.

(2) Indlela yamalayiseni okusebenza kumele ibeke imithetho nezindlela zesiphathimandla:

- (a) ngokwendima edlalwa umkhakha ngamunye wezithuthi zomphakathi nokubona umkhakha othandwayo kwezomgwaqo ngokwendawo yazo, sekuhlangene nezithuthi eziya nezibuya ezindaweni zezinye iziphathimandla zokuhlela, nezithuthi zaphakathi kwisifundazwe;
- (b) ngokwezimo okumele kuvunyelwe kuzo amalayisense okusebenza noma izimvume zokusebenza ngezithuthi zomphakathi ngaphakathi kwanoma yiyiphi indawo yaso;
- (c) ngokokusetshenziswa kwezinto zokusebenza zezithuthi zomphakathi endaweni yaso;
- (d) ngokokugwema uqhudlwano olungenanzuzo phakathi kwabasenza ngezithuthi;
- (e) ngokokuphetha inkontileka yensizakalo yohwebo yezinsizakalo zezokuthutha umphakathi ezingenalo uxhaso; kanye
- (f) ngokwezimo okumele ziphoqeelwe yibhodi ngokwamalayiseni okusebenza.

(3) Izindlela zamalayiseni okusebenza kumele zihambisane nezindlela zezidingongqangi ezibekiwe.

- (4) (a) Indlela yamalayisensi okusebenza kumele, ngokuya nendima (b), kuhanjiswa ku MEC ukuthi akwamukele; futhi
- (b) ekukhipheni lesi samukelo u MEC kumele abhekelele izinqubo, izimo zezezimali ezithinta isi Fundazwe, imithetho nezimo zesifundazwe, izithuthi ezingaphesheya kwemingcele yezindawo zeziphathimandla zokuhlela, izithuthi ezingaphakathi kwisifundazwe noma yiluphi olunye udaba oluhlinzekelwe kumthetho wesifundazwe.

(5) uma lungekho uhlelo lwezokuthutha umphakathi, isiphathimandla sokuhlela kumele siqinisekise ukuthi indlela yaso yamalayisensi okusebenza iyalungiswa njalo futhi ihlanganiswe okungenani kanye ngonyaka zingakapheli izinyanga ezimbili kuphethwe isishicilelo sakamuva sezithuthi zomphakathi, noma ngosuku olubekwe ngu MEC ngokwazisa kwi Phephandaba lesi Fundazwe.

IZINHLELO ZOKWABA UMSEBENZI

30. (1) Uma kuthi ngokwenkontileka noma isiyekelelo sensizakalo exhasiwe kubekwa umbono wokuthi insizakalo yezithuthi zomphakathi iqhubeke ngemuva kokuphelelwa yisikhathi, isiphathimandla sokuhlela ondawo yaso kusebenza kuyo lensizakalo kumele silungise uhlelo lokucacisa, okumele:

- (a) Lube yingxenywe yohlelo lwezokuthutha umphakathi;
- (b) Lwenziwe ngaphambi kokuthi insizakalo ezosebenza ngokwensizakalo exhasiwe ikhishelwe ukuthi umphakathi ufake ithenda; futhi
- (c) Lubhekele lokhu okulandelayo-
- (i) ukwaba umsebenzi wezinsizakalo ezixhasiwe ngaphakathi kuyo naphakathi kwemikhakha;
- (ii) ukunquma ukuthi uxhaso kumele lukhokhwe kuphi futhi kangakanani;
- (iii) ukwaba umsebenzi wezinsizakalo ezixhasiwe ngaphesheya kwemingcele yeziphathimandla

zokuthutha nangokwezithuthi phakathi
kwisifundazwe;

- (iv) ukugcina ubuncane bezinga lomxhaso;
- (v) ukugcina uqhudlwano phakathi kwezinsizakalo ezixhasiwe luphansi;
- (vi) ukwakha izinkontileka noma iziyekelelo zezinsizakalo ezixhasiwe ngendlela yokuthi zihehe uqhudlwano olwanele lokulwela amathenda yilabo abanekhono;
- (vii) ukuqiniseka ukuthi imigudu nemizila yemigudu isetshenziswa ngokuphelele ukuze kuhlangebezeke izidingo zabagibeli ngempumelelo nangokugculisa; futhi
- (viii) ukugququzelela kwangomuso kwezokuthutha umphakathi okudidiyele.

(2) Uhlelo lokwaba umsebenzi kumele luqathe lokhu okulandelayo:

- (a) Ushintsho olucatshangiwe kumgudu okhona ;
- (b) ushintsho olucatshangiwe kubungakho bokuthwala abagibeli kwizinsizakalo ezisebenza kwimigudu noma inkambo;
- (c) umthetho ocatshangiwe wokwakha izivumelwano noma iziyekelelo zoqhudlwano lwamathenda;
- (d) isitatimende esibeka umfutho wokwaba imisebenzi kwimikhakha eyahlukene yezokuthutha;
- (e) isibonakalisi sokukhuphuka okumele kwenziwe ukuze kusizakale abagibeli; kanye
- (f) nesibonakalisi sezithiyo ezibonakala zisekude ekulandeleni uhlelo, nezindlela ezicatshangiwe zokuzinqoba.

(3) Izinhlelo zokwaba umsebenzi kumele zihambelane nezidingongqangi u MEC, noma u Ngqongqoshe, angazimisa, ngokwamandla akhe ngaphansi ko Mthetho wa Zwelonke weSikhashana wezo Kuthutha ngo Mgwaqo.

(4) Izinhlelo zokwaba umsebenzi kumele zihanjiswe ku MEC ukuthi azamukele, lokokwamukelwa kumele kuhambelane nalokho okubalulwe kusigaba 29(4)(b) kuphela.

(5) Uma lungekho uhlelo lwezokuthutha umphakathi, isiphathimandla sezokuthutha kumele siqiniseke ukuthi uhlelo lwaso lokwaba umsebenzi luyalungiswa noma lushintshwe luyiswe ku MEC okungenani kanye ngonyaka esikhathini esingengaphezu kwezinyanga ezine kuphethwe isishicilelo sakamuva sezithuthi zomphakathi, noma ngosuku olubekwa ngu MEC ngokwazisa kwi Phephandaba lesi Fundazwe.

IZINHLELO ZEZITHUTHI ZOMPHAKATHI

31. (1) Isiphathimandla sokuhlela kumele, ngosuku olubekwe ngu MEC, silungise uhlelo lwezithuthi zomphakathi ngombono wokubeka futhi sicacise izinsizakalo zezithuthi zomphakathi zesifunda zihlinzekwe ngokokukhonjwe kusigaba 28(3)(a) no(b).

(2) Uhlelo lwezithuthi zomphakathi kumele lungiswe ngombono wokuqalisa nokutshala ukudidiyela izinsizakalo zezithuthi zomphakathi futhi kumele luqathe lokhu okulandelayo:

- (a) Iphupho lesiphathimandla sokuhlela, izimpokophelelo nezinhloso ngezithuthi zomphakathi endaweni yaso;
- (b) Izindlela zesiphathimandla sokuhlela-
 - (i) zezidingo zabafundi nabantu abakhubazekile; kanye
 - (ii) nodidiyelo oluyisiboniso nohlelo olukahle lwezokuthutha umphakathi, lokhu kwakamuva kube nesakhiwo esikahle, izinga nobuchwepheshe; kanye
- (c) nokuqathwa komsebenzi, okukhona kukho-
 - (i) imithetho yohlelo lokwaba umsebenzi lwezinsizakalo zezivumelwano kanye neziyekelelo; kanye
 - (ii) Nendlela yelayisensi yokusebenza yazo zonke izinsizakalo zezithuthi zomphakathi ezingabaliwe kwindinyana (i).

(3) Izinhlelo zezithuthi zomphakathi kumele zihambelane nezi dingongqangi, nangendlela nesimo ebekwe ngu MEC, noma ngu Ngqongqoshe ngokwamandla akhe ngaphansi ko Mthetho wa Zwelonke we SIKHASHANA we Zokuthutha ngo Mgwaqo.

(4) Uhlelo lwezokuthutha umphakathi kumele luhanjise ku MEC alwamukele, lokho kwamukelwa kumele kuhambelane nodaba olukhonjwe kusigaba 29(4)(b) kuphela.

(5) Zonke iziphathimandla zokuhlela kumele ziqiniseke ukuthi izinhlelo zazo zokuthutha umphakathi ziyalungiswa okungenani kanye ngonyaka ngosuku olubekwa ngu MEC ngokwazisa kwi Phephandaba lesi Fundazwe.

IZINHLELO EZIDIDIYELWE ZEZOKUTHUTHA

32. (1) Isiphathimandla sokuhlela kumele silungise bese sihambisa ku MEC minyaka yonke ngosuku olubekwa ngu MEC, uhlelo oludidiyele lwezokuthutha oluhambelana nesigatshana (2) lwezindawo zaso ezehlukene lwesikhathi esiyiminyaka emihlanu kusukela ngosuku lokuqala lonyaka wezimali.

(2) Uhlelo oludidiyele lwezokuthutha kumele lube yiphupho, umthetho nenhloso okusemthethweni lesiphathimandla sokuhlela, elihambelanayo nemithetho yazwelonke neyesifundazwe, futhi lihambisane nohlelo olufanele oludidiyele lokuthuthukisa, futhi kumele okungenani:

- (a) lukhombise ushintsho olukhona kwimithetho nezindlela yezokuthutha ngomgwaqo yesiphathimandla sokuhlela kusukela ohlelweni lweminyaka emihlanu olwedlule;
- (b) lufake uhla okumele-
 - (i) lutshengise, ngohla lokulandelana, imikhankaso nezigaba zemikhankaso okumele enziwe esikhathini seminyaka emihlanu, nokubiza komkhankaso ngamunye; futhi
 - (ii) lulungiswe ngokuya ngokohlelo olufanele lokuthuthuka oludidiyele, lapho kufanele, olufuneka ngokomthetho wesifundazwe;

- (c) lufake yonke imikhakha nohla lwezidingo, sekuhlangene nemigwaqo emisha noma elungisiwe nokuthuthukiswa kwezomnotho ezithinta kanzulu ezokuthutha ngomgwaqo, nengxenye yezithuthi zomgwaqo zezikhumulo zezindiza nemitata (harbours);
- (d) zifake ibhajethi eyenabile yesiphathimandla sokuhlela, sekuhlangene nemithombo yezimali, ngokwezithuthi zomgwaqo yonyaka wezimali ofanele ngendlela ebekwe ngu MEC;
- (e) lufake uhlelo lwesiphathimandla sezokuthutha umphakathi;
- (f) lwenze indlela engujikelele yokulawulwa kwezimfuneko zokuhamba;
- (g) lwenze umthetho, ukuthuthukisa nendlela yokuhlinzekela inqalasisinda yemigwaqo nezithuthi; futhi
- (h) lwenze indlela noma uhlelo lokuhambisa izinto eziyingozi ezikhonjwe kusigaba 2(1) wo Mthetho Wezinto Eziyingozi wa 1973 (u Mthetho 15 wa 1973), nomgwaqo ngemigudu ebekelwe lokho, ngokuhambisana nesu noma uhlelo kwisibonakalisi sezokuthutha kwisifundazwe esikhonjwe kusigaba 27.

(3) uhlelo oludidiyele lwezokuthutha kumele luhambelane nezi dingongqangi futhi lube ngendlela nesimo u MEC, noma u Ngqongqoshe ngokwamandla akhe ngaphansi ko Mthetho wa Zwelonke Wesikhashana Wezokuthutha Ngomgwaqo, angazimisa.

(4) Uhlelo kumele luhanjiswe ku MEC ukuthi alwamukele, lokho kwamukelwa kumele kuhambelane nodaba olukhonjwe kusigaba 29(4)(b) kuphela.

(5) Akhukho muntu ovunyelwe ukuthwala izinto eziyingozi ezikhonjwe kusigaba 2(1) so Mthetho Wezinto Eziyingozi wa 1973 (u Mthetho 15 wa 1973), endaweni yesiphathimandla sokuhlela, ngaphandle kwasemgudwini obekwe ngaphansi kwendima (h) yesigatshana (2), lapho lomgudu ubekwe futhi wakhishwa ngaphansi kwesigaba 34(1).

(6) Noma ngubani ophula isigatshana (5) unecala lokwephula umthetho.

**UKWAMUKELWA KWEZINHLELO ZEZITHUTHI ZOMPHAKATHI
ZENHLANGANISELA YABAGIBELI BESITIMELA**

33. Kuze kube ngabe izithuthi zikajantshi ziyasuswa kuzwelonke ziyiswa komunye umkhathi wa hulumeni, izinhlelo zezokuthutha ezikhonjwe kusigaba 25(1)(a) kuya ku (f) kumele zihanjiswe ku Ngqongqoshe ukuze kwamukelwe izinhlelo zezithuthi zomphakathi zenhlanganisela yabagibeli besitimela, ngendlela nesikhathini esibekiwe.

**UKUKHISHWA KWEZINHLELO ZOKUTHUTHA NOSHINTSHO OLUNZULU
EKUSETSHENZISWENI KOMHLABA NENQALASIZINDA
YEZOKUTHUTHA NEZINSIZAKALO.**

34. (1) Ekwamukelweni kohlaka lwezokuthutha ngomgwaqo kwisifundazwe, uhlelo lwezokuthutha umphakathi noma uhlelo oludidiyele lwezokuthutha umphakathi, u MEC noma isiphathimandla sokuhlela, njengoba kungenzeka, kumele akhiphe, kwi Phephandaba lesi Fundazwe, iminingwane emisiwe yalezizinhlelo, okumele ifake iminingwane yemigudu emiswe ngaphansi kwesigaba 32(2)(h).

(2) Bonke abantu, kubalwa no Mbuso nezikhungo zombuso, abathunywa kanye nezisebenziswa babophezelelwe yimithetho yezinhlelo ekhishwe ngaphansi kwesigatshana (1), futhi:

- (a) Akukho shintsho olukhulu noma ukusetshenziswa okunzulu komhlaba okungenzeka ngaphandle kwemvume ebhalwe phansi yisiphathimandla sokuhlela esifanele;
- (b) ukuthuthukiswa kwezindawo ezisendaweni yezithuthi kufanele kuhlolelwe ukuthola ukuthinteka ngokwentela kanye nokuhlolwa kwezithuthi zomphakathi njengoba kumiswe ngu MEC;
- (c) lapho inqalasisinda yezithuthi iyintsha noma ikhushulwe izinga noma izinsizakalo zicatshangelwa ukuhlolelwa intela

noma ukuhlolwa intela kwezithuthi zomphakathi, inkokhelo yalapho kumele yenziwe njengoba kunqume isiphathimandla sokuhlela esifanele; futhi

- (d) akukho zinyathelo ezingathathwa ezingaba nomphumela wokwehlisa kakhulu inani noma ukutholakala kwenqalasisinda yezithuthi zomhlaba noma izinsizakalo, ngaphandle kokuthi umnini mhlaba okukhona kuwo inqalasisinda yezemigwaqo, noma lowo onelayisensi efanele yokusebenza, njengoba kungenzeka, esazise isiphathimandla sokuhlela esifanele ngencwadi ezinsukwini ezingengaphansi kwezingu 30 ngaphambi kokuthathwa kwesinyathelo.

(3) Nakuba kunanoma yimuphi umthetho ophikisayo, noma yisiphi isiphathimandla esinomsebenzi wokwamukela ushintsho olunzulu noma ukusetshenziswa okukhuku komhlaba noma imibono yokuthuthukisa esithola isicelo salolushintsho noma ukugcizelela, kumele:

- (a) kuthi zingakapheli izinsuku ezingu 14 sithole lesisicelo nangaphambi kokubheka noma ukunquma ngalesisicelo, ahambise lesisicelo kwisiphathimandla sokuhlela esifanele ukuthi sisihlole futhi nokubheka indlela lesisicelo esithinta ngayo izinhlelo zezokuthutha nezinsizakalo zezokuthutha umphakathi; futhi
- (b) siqinisekise ukuthi lesisicelo siphelzelwa ukuhlolwa kokuthinteka kwezithuthi okufunekayo kanye nokuhlolwa kwezithuthi zomphakathi, nokuthi sinemininingwane eyanele ukuze lesisiphathimandla sikwazi ukuhlola futhi sibheke ukuthinteka kwezinhlelo nezinsizakalo zezokuthutha yilesisicelo.

(3) isiphathimandla sokuhlela kumele zithi zingakapheli izinsuku ezingu 28:

- (a) samukele noma sichithe isicelo sokushintsha noma ukuqinisa ukusebenza komhlaba noma umbono wokuthuthukisa ngokwesigatshana (3); futhi
- (b) sihambise ngombhalo isinqumo saso noma yikuphi ukuhlaba lesisicelo, sekuhlangene nezinkomba noma imigomo yokuhambisana nezinhlelo zezokuthutha, kwisiphathimandla esethwese ngokomthetho amandla okubheka isicelo.

(5) Isiphathimandla esethweswe amandla okubheka izicelo zokushintsha noma ukuqinisa ukusetshenziswa komhlaba noma ukuwuthuthukisa angeke sisamukele lesosicelo:

- (a) ngaphambi kokuphela kwesikhathi esiyizinsuku ezingu 28 esikhonjwe kwisigatshana (4); noma
- (b) uma siphambana nezinkomba noma imigomo efunwa yisiphathimandla sokuhlela njengoba sicutshangwe kwisigatshana (4)(b), ngaphandle kokuthi izinkomba nemigomo yesiphathimandla sokuhlela iguqulwe ngumxazululi wokuthuthukisa ngokwesigatshana (6).

(6) Lapho kukhona noma ngubani okhathazwa yinoma isiphi sinqumo sesiphathimandla sokuhlela ngokwalesisigaba, lowomuntu angafaka isikhalo ngalesosinqumo kwithimba elifanele noma ngabe ngumxazululi wokuthuthukisa omiswe yisi Fundazwe ngaphansi kwa Hulumeni wa Sekhaya: u Mthetho we Zimo za Masipala wa 2000 (u Mthetho 32 wa 2000), noma umthetho wesifundazwe othatha indawo, noma yiliphi elinye ithimba lezikhalo elamiswa ngokweminye imithetho efanele, ngendlela nangesikhathi esibekiwe.

(7) Nanoma kunanoma yimuphi umthetho ongahambisani no Mthetho woku Bhalisa ezemihlaba, wa 1937 (u Mthetho 47 wa 1937), nanoma ngomuphi omunye umthetho, imigomo ebekwe ngokwesigatshana (4)(b) kumele ibhaliswe noma ishicilelwe kwitayiteli elifanele.

(8) Nanoma kunanoma yimuphi umthetho ongahambisani no Mthetho woku Bhalisa ezemihlaba, wa 1937 (u Mthetho 47 wa 1937), nanoma ngomuphi omunye

umthetho, umbhalisi wezemihlaba, ngokuthola invume ebhaliwe kwisiphathimandla sokuhlela, angesula yonke imigomo efakwe ngokwesigatshana (7) ekwedluliseleni umhlaba noma eshicilelwe kwitayiteli.

(9) Noma ngubani ozithathela ukuthuthukisa okufaka ukushintsha noma ukuqinisa ukusetshenziswa komhlaba noma umbono wokuthuthukisa ngaphandle kokwamukelwa yisiphathimandla sokuhlela ngaphansi kwalesisigaba, noma ngokushayisana nemigomo ebekwe yileso siphathimandla, unecala futhi unokuhlawuliswa noma aboshwe isikhathi esingeqile kwizinyanga eziyisithupha.

(10) Lapho ibhilidi noma isakhiwo simiswe ngaphandle kokwamukelwa yisiphathimandla sokuhlela esimweni lapho lesi samukelo bekufanele sitholakale ngaphansi kwalesi sigaba, noma kushayisana nemigomo ebekwe ngaphansi kwalesi sigaba, isiphathimandla esifanele singafaka isicelo kwi Nkantolo Enkulu ephethe kuleyondawo ukuthi ikhiphe isilayelo sokuthi umnikazi wezakhiwo azidilize ngezindleko zakhe, noma sithwese isiphathimandla amandla okuthi senze njalo bese sifuna izindleko zaso kumnikazi wezakhiwo, noma ukwenza isilayelo njengoba I Nkantolo ingabona kufanele.

ISAHLUKO 11

UKUPHATHA NGOKUBAMBISANA

ISIKHUNGO SOKUBONISANA NGEZOKUTHUTHA E GAUTENG

35. (1) U MEC angasungula, ngokwazisa kwi Phephandaba lesi Fundazwe, isikhungo sokubonisana ngezokuthutha okungathi u MEC walesosi Fundazwe abe ngumphathisihlalo waso.

(2) U MEC angalikhetha ilungu lalesi sikhungo ngendlela ebekiwe, esinabameli bohulumeni bezindawo nabezifundazwe, namanye amalungu, njengoba kubekiwe.

(3) Inhloso yesi Khungo ngokudingida ngokuhlanganyela imithetho yezokuthutha nezidingo zesi Fundazwe:

(a) ngokusungula nokugcina ithimba elinomphumela loxhumaniso nabamele izindawo nezifundazwe; kanye

(b) nokugqugquzela ukubona izidingo nokunika imithetho eyinkomba ekuhleleni nokuhlinzeka ngenqalasizinda yezokuthutha nezinsizakalo kwisi Fundazwe.

(4) Nakuba kunesigatshana (3), izilawulo zingabeka ezinye izinhloso noma izizinda zalesisi Khungo, noma zenabe noma zishintshe lezi zinhloso.

(5) Ukusebenza kwalezizi Khungo nezinqubo zazo emihlanganweni kumele kubekwe.

(6) Inhloko yo Mnyango kumele, ngokuhambelana nemithetho elawula izinsizakalo zomphakathi, kumele ahlinzeke ngabasebenzi abadingekayo ukusiza lezi ziKhungo ekwenzeni imisebenzi yaso.

IKOMIDI YOXHUMANISO KWEZOKUTHUTHA

36. (1) U MEC ngokwazisa kwi Phephandaba lesi Fundazwe angasungula ikomidi yoxhumaniso kwezokuthutha yesi Fundazwe usihlalo walo kube yinhloko yo Mnyango.

(2) U MEC angakhetha amalungu ekomidi ngendlela ebekiwe, abe nabameli boMnyango, iziphathimandla zezokuthutha, izinkaba dolobha, omasipala, UMnyango wezo Kuthutha ka Zwelonke, eminye iminyango ya Hulumeni wesi Fundazwe sase Gauteng nabanye ababambe iqhaza ngendlela ebekiwe.

(3) Izinhloso zale Komidi:

(a) ngokusungula nokugcina isikhungo esinomphumela samalungu akhonjwe kusigatshana (2);

(b) ukuphakamisa ukuthintana nokuxhumana;

(c) ukweluleka iminyango ngezobuchwepheshe kwezokuthutha;

(d) ukuqinisekisa ukuxhumana nababambe iqhaza lobuchwepheshe;

(d) ukwedlulisa imininingwane ngodaba lwamaqhinga okuthuthukisa isi Fundazwe mayelana nezokuthutha

- (4) Nakuba kunesigatshana (3), izilawulo zingabeka ezinye izinhloso noma izizinda zalelikomidi, noma zenabe noma zishintshe lezizinhloso.
- (5) Ukusebenza kwe Komidi nezinqubo emihlanganweni kumele kube njengoba kumisiwe, kodwa kumele ihlangane okungenani kane ngonyaka.
- (6) I Komidi ingasungula amaquqwana okusebenza noma amakomijana, okungaba awafuthi noma abe ngawalesosikhathi salowo msebenzi, kanti isizinda, ukusebenza nobulungu balamaquqwana okusebenza namakomijana kuyoba njengoba kumisiwe.
- (7) Inhloko yo Mnyango, ngokuhambisana nemithetho elawula insizakalo zomphakathi, kumele ihlinzeke ngabasebenzi abafanele ukusiza I Komidi ekwenzeni umsebenzi yayo

ISAKHIWO SOKUHLELA ESIHLANGANYELE

37. U MEC, ngokuhlanganyela nezinkaba dolobha, iziphathimandla zezokuthutha kanye nomasipala ababhekene nokuhlela ezokuthutha ngokwalo Mthetho, angamisa isakhiwo esihlangene sokuhlela ukuthi sibhekane nodaba olwejwayelekile lokuhlela ngezokuthutha kwisifundazwe sonkana.

ISAHLUKO 12

IMITHETHO ENGUJIKELELE

UKUQEDWA KOMTHETHO

38. (1) LO Mthetho uqeda u Mthetho wo Hlaka lwezo Kuthutha eGauteng, wa 1998 (u Mthetho 8 wa 1998).

(2) Lo Mthetho ungena esikhundleni sesigaba 63 kuya ku 76 se Sahluko 3: Udaba Oluthinta isi Fundazwe lo Mthetho wa Zwelonke wesi Khashana wezo Kuthutha ngo Mgwaqo.

(3) Izigaba 24 kuya ku 34 zalo Mthetho zizophelelwa yisikhathi ngosuku lokuqalisa kwe Ngxenye yesi 7 yo Mthetho wa Zwelonke wesi Khashana wezo Kuthutha ngo Mgwaqo.

UKWEPHULWA KOMTHETHO NEZINHLAWULO

39. (1) ukuphambana nanoma yimuphi wemithetho yalo Mthetho nolawulo kuba ukwephula umthetho.

(2) Noma ngubani otholwe enecala ngaphansi kwalo Mthetho uyohlawuliswa imali engeqile ku R100 000 noma isigwebo sokuboshwa iminyaka engeqile kwemibili noma kokubili inhlawulo nokuboshwa, ngaphandle kokuthi kunesigaba esithile kulo Mthetho esikhomba ngokunye noma u MEC emisa inhlawulo eyehlukile noma izigaba zezinhlawulo ngokwezigaba ezahlukene zalo Mthetho.

UKUBOPHELWA KO MBUSO

40. Njengoba nje kubekiwe noma ngokuchazwa okuhlinzekelwe yilo Mthetho, izimiso zalo Mthetho nokulawuliwe, imithetho nezidingongqangi ezenziwe ngaphansi kwawo ziyobophezela u mbuso.

ISIHLOKO ESIFUSHANE NOKUQHUBEKELA PHAMBILI

41. (1) Lo Mthetho ubizwa ngokuthi u Mthetho obuyekeziwe wo Hlaka lwezo Kuthutha eGauteng, wa 2002 futhi uzoqala ukusebenza ngosuku oluyobekwa ngu Ngqongqoshe ngokumemezela kwi Phephandaba lesi Fundazwe.

(2) Izahluko noma izigaba ezahlukene zalo Mthetho zingaqala ukusebenza ngezisnuku ezahlukene, noma ngokwahlukana kwezindawo.

UMBHALO OCHAZAYO

NGEZINHLOSO ZOMTHETHOSOVIVINYWA OBUYEKEZIWE WOHLAKA LWEZOKUTHUTHA E GAUTENG, WA 2001

1. IZIZATHU ZO MTHETHOSIVIVINYWA

Umthethosivivinywa obuyekeziwe wohlaka lwezoKuthutha eGauteng (GTFRB) ubeka uhlelo lokuhlela ezokuthutha eGauteng sekuhlangene nemisebenzi ya MEC ehlobene nezokuthutha, imisebenzi namandla eziphathimandla zezokuthutha, izimali zezinhloko dolobha kanye neziphathimandla zezokuthutha, ukuqedwa kwalezi ziphathimandla, abaphathi bezokuthutha, imithetho eyahlukahlukene yokuhlela ezokuthutha kanye nezigaba eziningi ezingokulawula ngokubambisana kwezezithuthi. I GTFRB iqeda uMthetho wohlaka lwezokuthutha e Gauteng, wa 1998 (u Mthetho 8 wa 1998), owasungulwa ngokokuqala ukwengama izindaba zesifundazwe ekwakufuneka ukuthi zifinyelele emthethweni kazwelonke wezokuthutha ngomgwaqo owawulungiswa ngalesosikhathi. I GTFRB yenziwele ukuthi ibhekele u Mthetho wa Zwelonke wesi Khashana we Zokuthutha ngo Mgwaqo, wa 2000 (u Mthetho 22 wa 2000), ovumela isahluko 3: Kungene umthetho wesifundazwe ofanele endaweni yezindaba ezithinta is Fundazwe. I GTFRB izovumela ukuhleleka kahle kohlelo lwezokuthutha kwisi Fundazwe futhi iqinisekise ukuthi iziphathimandla zezokuthutha ziyabekwa lapho kubonakala zidingeka khona.

2. UMFUTHO KWEZEMVELO

Awukho.

3. OKUKHONJWA EZEZIMALI KU MTHETHOSIVIVINYWA

Njengoba umthethosivivinywa usebenzisana no Mthetho wa Zwelonke we Sikhashana we Zokuthutha ngo Mgwaqo, wa 2000, ayimemi zidingo zemali ezingaphezu kokuqhelekile.

4. IMIBONO EDOTSHIWE YATHOLIWA

Imithetho eminingi ekwi GTFRB, yaboniswa kwi Komidi yoXhumano ye Zithuthi (TCC) lapho kwasungulwa khona u Mthetho wohlaka lwezoKuthutha e Gauteng, wa 1998. Lemithetho iphindiwe kwi GTFRB ngangokuba kungenzeka futhi eminingi yemithetho sekuxoxiswene ngayo ngesikhathi kubhalwa u Mthetho wa Zwelonke weSikhashana wezo Kuthutha ngo Mgwaqo, wa 2000.

5. INCAZELO YESIGABA-NGE-SIGABA

Isigaba 1: Lesisigaba siqukethe izincazelo.

Isigaba 2: Lesisigaba sichaza ukhlobana phakathi kwalo Mthetho no Mthetho wa Zwelonke we Sikhashana wezo Kuthutha ngo Mgwaqo, wa 2000 (u Mthetho 22 wa 2000).

Isigaba 3: Lesisigaba siqukethe uhla olunzulu lwamandla ka MEC we Zithuthi, Imigwaqo neMisebenzi ko Mphakathi.

Isigaba 4: U MEC we Zithuthi, Imigwaqo neMisebenzi ko Mphakathi kumele enze imisebenzi ebekwe kulesisigaba.

Isigaba 5: Isigaba 5 sivumela u MEC ukuthi adlulisele noma yimaphi amandla okusebenza athweswe wona kunoma iyiphi inkaba

dolobha, isiphathimandla noma umphathi wo Mnyango, ngaphandle kwamandla okulawula.

- Isigaba 6: U MEC angenza ulawulo ngokwezindlela ezahlukene ezibalwe ngaphansi kwalesigaba.
- Isigaba 7: Lesigaba sivuma ukuthi u Mthetho we zokuthutha eDolobheni, wa 1977 (u Mthetho 78 wa 1977) uyaqhubeka nokusebenza kwisi Fundazwe.
- Isigaba 8: Lesigaba sivumela ukuthi iziphathimandla zezokuthutha zibunjelwe izindawo zezithuthi ngokuya ngezibopho zokuthi zithobele i GTFRB, u Mthetho wa Zwelonke we Sikhashana we Zokuthutha ngo Mgwaqo kanye no Hulumeni wase Khaya: u Mthetho weZimo aa Masipala, wa 1998.
- Isigaba 9: Iziphathimandla zezokuthutha zingamemezela ekuphetheni isivumelwano esiyisendlalelo esikhonjwe ku Mthetho we Sikhashana wezokuthutha ngo Mgwaqo ku Zwelonke, wa 2000.
- Isigaba 10: Lesigaba sibeka izidingongqangi zesivumelwano esiyisendlalelo sesiphathimandla sezokuthutha.
- Isigaba 11: Lesigaba sibala amandla eziphathimandla zezokuthutha.
- Isigaba 12: Lesigaba sichaza amandla okusiza eziphathimandla zezokuthutha.
- Isigaba 13: Imithetho eyengamele ukuphatha kweziphathimandla zezokuthutha ibalwe kulesigaba.

- Isigaba 14: Izimali zezinkaba dolobha zivunyelwa njengoba zingokwo Mthetho we Zokuthutha eDolobheni, wa 1977.
- Isigaba 15: Izimali zeziphathimandla zezokuthutha zihlaziywa kulesigaba.
- Isigaba 16: Lesigaba sikhomba ukuthi isiphathimandla sezokuthutha singayiboleka kanjani imali ngemvume ya MEC.
- Isigaba 17: Lesigaba sivumela inkaba dolobha noma umasipala ukuthi abeke imithetho yendawo ngokuhambisana nohlelo olwamukeliwe lwezokuthutha oludidiyele.
- Isigaba 18: Lesigaba sivumela u MEC ukuthi enze imizamo efanele ukuqhubezela phambili izinhloso zalo Mthetho ngokwemikhakha eyahlukene.
- Isigaba 19: Lesigaba sikhava imithetho emayelana nokuqedwa kweziphathimandla zezokuthutha.
- Isigaba 20: Lesigaba sivumela ukubunjwa kwabaphathi bezokuthutha ngokwesivumelwano esiyisendlalelo zeziphathimandla zezokuthutha ukuthi zibhekane nodaba okukhona kukho ubungoti, ubuchwepheshe, ubuphathiswa kanye neziphathimandla zezokuthutha ezihambisana nomsebenzi.
- Isigaba 21: Ngokwalesigaba iziphathimandla ezimbili noma ngaphezulu zingaba abaphathi abakhulu abahlangene bezokuthutha.
- Isigaba 22: Ngokwalesigaba ithimba elilawulayo lesiphathimandla sezokuthutha lingadlulisela amandla noma imisebenzi yalo ethile.

- Isigaba 23: Lesigaba sifingqa amandla okudlulisa amandla ethimba elilawulayo lesiphathimandla sezokuthutha.
- Isigaba 24: Lesigaba sikhomba ukuthi ukuhlelwa kwezokuthutha nokusetshenziswa komhlaba kungadidiyelwa kanjani ngokwalo Mthetho.
- Isigaba 25: izinhlobo ezahlukene zohlelo ezidingeka ngokwalo Mthetho zibalwe kulesigaba.
- Isigaba 26: Lesigaba siqinisekisa ukuthi iziphathimandla zokuhlela nazo zilungisa izinhlelo ezahlukene ezifunekayo.
- Isigaba 27: uhlaka lwezokuthutha ngomgwaqo kumele lulungiswe ngu MEC wezokuthutha, imigwaqo nemisebenzi komphakathi ngokwalwesigaba.
- Isigaba 28: Ngokwalesigaba iziphathimandla zezokuthutha kumele zilungise izishicilelo zakamuva zezokuthutha.
- Isigaba 29: Amaqhinga amalayisensi okusebenza kumele alungiswe yiziphathimandla zokuhlela ngokwalesi gaba.
- Isigaba 30: Izinhlelo zokwaba umsebenzi kufanele zilungiselwe izinsizakalo zezokuthutha zomphakathi ezisebenza ngokoxhaso ngaphakathi kwendawo yomthetho yesiphathimandla sokuhlela.
- Isigaba 31: Iziphathimandla zezokuthutha, izinkaba dolobha nanoma yimuphi umasipala kumele balungise izinhlelo zezokuthutha umphakathi ngokwalesigaba.

- Isigaba 32: Iziphathimandla zezokuthutha, izinkaba dolobha kanye nanoma yimuphi umasipala okhonjiwe kumele balungise izinhlelo ezididiyelwe zezokuthutha.
- Isigaba 33: Ungqongqoshe ka Zwelonke wezokuthutha kumele amukele izinhlelo zezigxenye zezithuthi zajantshi kuze kubunjwe ukusebenza kumkhathi ophansi wahulumeni.
- Isigaba 34: Izinhlelo zezokuthutha noshintsho olukhulu ekusetshenzisweni komhlaba nezinqalasizinda zezokuthutha umphakathi nezinsizakalo kumele kukhishwe kwi Phephandaba lesi Fundazwe.
- Isigaba 35: Isikhungo so Kubonisana ngezokuthutha e Gauteng sisungulwa ngokwalesigaba.
- Isigaba 36: Ikomidi yoXhumaniso kwezo Kuthutha iyamiswa ngokwalesigaba.
- Isahluko 37: Uhla oluhlanganyele lokuhlela lungasungulwa ngu MEC, ngokubambisana nezinkaba dolobha, iziphathimandla zezokuthutha kanye nabanye omasipala, ukubhekana nodaba olufanayo lokuhlelwa kwezokuthutha.
- Isigaba 38: Lesigaba sikhuluma ngokuqedwa kwemi Thetho ethile nokushintshwa kwezinye izigaba.
- Isigaba 39: Lesigaba sivumela u MEC ukuthi akhe uphulomthetho futhi abeke izinhlawulo ezinobukhulu ezingabekwa ngokwalo Mthetho.
- Isigaba 40: U Mbuso ubophezelwe yilo Mthetho.
- Isigaba 41: Lesigaba sihlinzekela isihloko esifushane nokuqhubekela phambili kwalo Mthetho.

MOLAOKAKANYWA

Go kgontšha legoratšhomo la peakanyo yeo e kgokaganego le go fana ka lenaneo la dinamelwa ka go Porofensi; go kgontšha dikwano tša go ikhweletša tša bolaodi bja tša dinamelwa le tlhamo ya tšona; go kgontšha taolo ya bolaodi bja tša dinamelwa go akaretšwa ditšhelete tša bolaodi bjoo; go kgontšha tokišo ya dipeakanyo tšeo di fapanego tša dinamelwa; go hlama Foramo ya Mohlakanelwa ya Dinamelwa ya Gauteng le Komiti ya Kgokagano ya Dinamelwa ya Gauteng; go kgontšha go phumula Molao wa Legoratšhomo la Dinamelwa wa Gauteng, 1998 (Molao wa Nomoro ya 8 wa 1998; le go kgontšha merero yeo e golaganego le tšeo.

WO O BEILWEGO ke Lekgotlatheramolao la Porofensi ya Gauteng ka mokgwa wo o latelago:-

Karolo

Nomoro ya letlakala

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KGAOLO YA 1

DIKGONTŠHI TŠA MATSENO

1. Ditlhalošo

1. Ka mo Molaowong wo, ntle le ge tlhalošo e bontšha ka mokgwa wo mongwe –
“lekgotla” e ra Lekgotla la Laesense ya Tšhomo bjalo ka ge le hlalošitšwe ka go Molao wa Phetogelo wa Dinamelwa tša Tsela wa Bosetšhaba;
“Molaotheo” e ra Molaotheo wa Repapoliki ya Afrika, 1996 (Molao wa Nomoro ya 108 wa 1996);
“toropokgolo” e ra masepala yo a filwego matla ka tlase ga karolo ya 4 ya Molao wa Dinamelwa tša Metsesetoropo, 1977 (Molao wa Nomoro ya 78 wa 1977, bjalo ka toropokgolo ya Lefelo la Dinamelwa la Metropolitene;
“kontraka yeo e thentariwego ga bjale” e ra kontraka yeo e thentariwego ga bjale ka ge e hlalošwa ka tlase ga Molao wa Phetogelo wa Dinamelwa tša Tsela wa Bosetšhaba;
“porotšeke ya tekopontšho” e ra porotšeke ya dinamelwa yeo e lego mabapi le maikarabelo a Molao wo, yeo e bontšhago goba e dirago teko ya kakanyo yeo e nago le mohola yeo e ka fiwago maemo a godimo a tefelo ke bolaodi bja tša dinamelwa goba Kgoro;
“Kgoro” e ra kgoro yeo e nago le maikarabelo a merero ya dinamelwa ka go Porofensi;
“legoratšhomo” e ra legora la sebopego sa ka gare le sebopego seo ka sona peakanyo, molaotshepetšo goba maanotshepetšo di dirwago le go tšweletšwa;
“ditlabelotirišwa” e ra boleng bja mokgobo wa thoto yeo e sa šuthego le ditlabelo tša ka go lenaneo la dinamelwa;
“lenaneo la dinamelwa leo le kgokaganego” e ra lenaneo leo le ntšhwago ke bolaodi bja tša dinamelwa goba bolaodi bja peakanyo ka tshepetšo yeo e beilwego mme e sepelelana le molao, dikgontšhi, tirišo le taolo ya ditlabelotirišwa tša dinamelwa, tšhomišo le ditirelo;
“kontraka ya lebakanyana” e ra kontraka ya lebakanyana bjalo ka ge e hlalošwa ke Molao wa Phetogelo wa Dinamelwa tša Tsela wa Bosetšhaba;
“bolaodi phethiši bja mohlakanelwa” e ra institšušene yeo e hlamilwego go ya ka karolo ya 21;

“tirelo ya maeto a matelele” e ra tirelo ya dinamelwa tša bohle ya lenaneo leo le beakantšwego le leo le sa beakanywago ya dinamelwa tša tseleng, ntle le tirelo ya banamedi yeo e fiwago ntle le mellwane ya lefelo leo le akaretšwago ke peakanyo ya dinamelwa, mo banamedi ba lefišwago ka o tee ka o tee;

“lefelo la dinamelwa la metropolitene” e ra lefelo la dinamelwa la metropolitene leo le hlamilwego go ya ka karolo ya 3 ya e ra Molao wa Dinamelwa tša Metsesetoropo, 1977 (Molao wa Nomoro ya 78 wa 1977,

“Molekgotla Phethiši” e ra Leloko la Khansele Phethiši yo a nago le maikarebelo a dinamelwa ka go Porofensi

“Letona” e ra Letona la tša Dinamelwa ka go Mmušo wa Bosetšhaba;

“masepala” e ra mokgwa o fe goba o fe wa mmušo wo o hlalošwago ka go Kgaolo ya 7 ya Molaotheo;

“Molao wa Phetogelo wa Dinamelwa tša Tsela wa Bosetšhaba” e ra Molao wa Phetogelo wa Dinamelwa tša Tsela wa Bosetšhaba, 2000 (Molao wa Nomoro ya 22 wa 2000);

“bolaodi bja peakanyo” e ra setho se fe goba se fe, seo, go ya ka karolo ya 26 se swanetšego go lokiša dipeakanyo tša dinamelwa ;

“beilwe” e ra ge go beilwe ke Molekgotla Phethiši ka molao ka go Kasete ya Porofensi;

“Porofensi” e ra Porofensi ya Gauteng;

“Kasete ya Porofensi” e ra Kasete ya Porofensi ya Gauteng;

“legoratšhomo la porofensi la dinamelwa tša tsela ” e ra legoratšhomo la porofensi la dinamelwa tša tsela leo le hlalošwago ka go karolo ya 27;

“mošoma ka tirelo ya dinamelwa tša bohle” e ra motho goba setho seo se lego molaong seo se diragatšago kgwebo ya ditirelo tša dinamelwa tša bohle bjalo ka ge go hlalošwa ka go Molao wa Phetogelo wa Dinamelwa tša Tsela wa Bosetšhaba, 2000;

“tirelo ya dinamelwa tša bohle” e ra tirelo ya go rwala banamedi ka tsela goba seporo, e ka ba tirelo yeo e lego ka kontraka goba aowa, le mo tirelo e fiwago ka go lefelwa goba dikelohloko tše dingwe goba tebogo, go akaretšwa tirelo e fe goba e fe yeo e lego –

- (a) tirelo ya dinamelwa tša go sepetšwa ka lenaneo
- (b) tirelo ya dinamelwa tšeo di sa sepetšwego ka lenaneo, yeo e akaretšago tirelo ya mohuta wa thekisi ya minipase;
- (c) tirelo ya go hirwa;

- (d) tirelo ya maeto a matelele;
- (e) tirelo ya thekisi ya mitara;
- (f) tirelo ya seporo;
- (g) tirelo ya boeti;
- (h) tirelo ya bašomi;

ntle le ge go bonagala go se maleba, lentšu le **“dinamelwa tša bohle”** le swanetše go hlalošwa ka tshwanelo ya lona;

“kontraka ya tirelo ya yeo e hwetšago thušo ya ditšhelete” e ra kontraka, ntle le kontraka ya lebakanyana goba kontraka yeo e thentariwego ya ga bjale, yeo e rumilwego magareng ga bolaodi bja tša dinamelwa le mošoma ka dinamelwa tša bohle go šoma ka tirelo ya dinamelwa tšeo di sepetšwago ka lenaneo yeo e kgontšhwago ka go peakanyo ya dinamelwa tša bohle le go ya ka yona mošoma ka dinamelwa tša bohle, godimo ga tšhelete yeo di lefelwago, a hwetšago thekgo ya tšhelete go ya ka kontraka yeo e thentariwego;

“Molao wo” e akaretša melawana yeo e dirilwego ka tlase ga wona;

“bolaodi bja tša dinamelwa” e ra bolaodi bjalo ka ge bo hlalošwa ka go karolo ya 8;

“bolaodi phethiši bja tša dinamelwa” e ra institšušene yeo e hlamilwego go ya ka karolo ya 21;

“taolo dinyakwa tša mesepelo” e ra lenaneo la tiragatšo go godiša bokgoni bja lenaneo la dinamelwa la mesepelo ya batho le dithoto ka go godiša sekgoba sa thwalo sa dinamelwa, go tšweletša magato a ka pele a dinamelwa tša bohle, go hlohleletša maeto a nako yeo dinamelwa di fokotšegilego mebileng, dinyakwa tšeo di fetogago magareng mafelo, go bea magora mo mafelong ao a diretšwego go ema dinamelwa, go bea tefelo ya mafelo a boema dinamelwa, le magato a mangwe ao a lebanego; le

“tirelo ya dinamelwa tšeo di sa sepetšwego ka lenaneo” e ra tirelo ya dinamelwa tša bohle tšeo di sepelago ka tsela leetong leo le itšeng goba, mo go swanetšego, ka gare ga lefelo leo le itšeng, ntle le le lenaneo la nako, mo banamedi ba lefišwago ka o tee ka o tee.

Tswalano ya Molao wo le Molao wa Phetogelo wa Dinamelwa tša Tsela wa Bosetšhaba, 2000;

2. Molao wo o swanetše go balwa ga mmogo le Molao wa Phetogelo wa Dinamelwa tša Tsela wa Bosetšhaba.

KGAOLO YA 2

MATLA LE MEŠOMO YA MOLEKGOTLA PHETHIŠI**Matla a Molekgotla Phethiši**

3. Molekgotla Phethiši a ka:

- (a) lefela mme a dira dinyakišiši tša dinamelwa le diporotšeke tša dipontšhoteko;
- (b) nyakišiša le go tšea agato a fe goba a fe ka merero yeo e nago le yeo e ka bago le dikhuetšo go lenaneo la dinamelwa ka go Porofensi, go akaretšwa fela go sa felele go -
 - (i) mesepelo ya batho le dithoto lefelong leo le itšeng;
 - (ii) dinamelwa tšeo di lego gona le ditlabelotirišwa tšeo di beakanyeditšwego lefelong leo le itšeng;
- (iii) peakanyo ya dinamelwa tšeo di kgokaganego;
- (c) morago ga go ikopanya le Molekgotla Phethiši le, mo go swanetšego, Letona la Bosetšhaba leo le nago le maikarabelo, nyakišiša mme a tšea magato a fe goba a fe ka merero yeo e nago le goba e ka bago le khuetšo go lenaneo la dinamelwa ka go Porofensi, go akaretšwa fela go sa felele go -
 - (i) tšweletšo ya dinamelwa yeo e ka bago le ditlamorago go tikologo ya tlhago;
 - (ii) merero ya peakanyo ya dinamelwa yeo e lego mabapi le peakanyo ya ekonomi le tšhomišo ya naga;
 - (iii) motheo wo ka wona dinamelwa di swanetšego go fiwa tšhelete ka wona mo lefelong;
- (d) tšea magato ao a swanetšego go godiša tšhomišanommogo magareng ga bolaodi bja tša dinamelwa le bolaodi bjo bongwe bja peakanyo ka go porofensi, goba magareng a bolaodi bjo le aporofensi, ka malebiša a go efoga poeletšo ya mošomo;
- (e) morago ga go hwetša tumelelo ya Molekgotla Phethiši yo a nago le maikarebelo a dinamelwa ka go Porofensi ya boagišani, nyakišiša mekgwa ya dinamelwa ya lefelo la boagišani yeo e nago le goba e ka bago le khuetšo go lenaneo la dinamelwa ka go Porofensi;
- (f) morago ga go ikopanya le bolaodi bja tša dinamelwa, bea magato a maikemišetšo a taolo ya dinyakwa tša dinamelwa ;
- (g) kgoboketša, tsebagatša le go fihliša tshedimošo mabapi le merero ya tša dinamelwa ka go Porofensi, go akaretšwa le datha yeo e nyakegago ya tshakaseko ya dinyakwa tša magato a tiragatšo ya ngwaga ka ngwaga, go bontshwa tšwelopele ya tiragatšo ya melaotshepetšo ya bosetšhaba le porofensi;
- (h) tšweletša le go hlokomela tshedimošo le lenaneo la go bega le dinamelwa tša bohle;

- (i) bea ditefelo tša ka godimo goba tša ka tlase tša dinamelwa tša bohle tša seporo tšeo di hwetšago thušo ya tšhelete, ge e le gore Letona le file Porofensi mošomo wa tša diporo;
- (j) ka tsebišo ka go Kasete ya Porofensi, bea mekgwa le maemo ya mabapi le merero ye e lebanego le ditirelo tša dinamelwa tša bohle tša tsela tšeo di amogelago thušo ya ditšhelete, le ditlabelotirišwa tšeo di amegago, go fihlela maamong ao a mošomo wo o filwego Porofensi;
- (k) thuša bolaodi bja peakanyo bjo bo se nago bašomi ba maleba goba bokgoni go diragatša mešomo yeo ba e filwego ka tlase ga Molao wo;
- (l) ruma dikwano le diporofensi tše dingwe mabapi le mesepelo ya go kgabaganya diporofensi goba dinamelwa tšeo di dirišwago go ditirelo tša dinamelwa tša bohle tša tsela le merero yeo e lego mabapi le seo
- (m) tšea magato a mathomo pele go tsenwa gare go ya ka karolo ya 139 ya Molaotheo go netefatša tiragatšo ya mešomo ya toropokgolo goba bolaodi bja tsa dinamelwa, yeo e ka akaretšago go nyaka gore toropokgolo goba bolaodi bja tša dinamelwa di bege ka ga tšwelopele yeo di e dirilego ge di diragatša mešomo yeo le go bontšha magato ao a šišintšwego go lokiša tlhaelelo yeo e diregilego ge go swanetše go phethagatšwa mešomo;
- (n) mo e lego gore mathomong a Molao wo, Porofensi e be e dira peakanyo ya dinamelwa tša bohle ntle le ditirelo tšeo di hlalošwago ka go karolo ya 26(4) Molekgotla Phethiši le bolaodi bja peakanyo bjo bo amegago di ka dira dipeakanyo tša go fetetša mešomo ya peakanyo go bolaodi bja peakanyo bjo bo amegago bjalo ka ge go kwano mmogo; le
- (o) diragatša mošomo o fe goba o fe goba go nyakišiša ka go morero o fe goba o fe wo o welago ka tlase ga maikemišetšo a Molao wo;

Ge e le gore dinyakišišo di fe goba di fe tša peakanyo ya dinamelwa le magato go ya ka Molao wo di sepelelana le peakanyo ya tšweletšo ya porofensi,

Mešomo ya Molekgotla Phethiši

4. Molekgotla Phethiši o swanetše go:

- (a) go thuša tiragatšo ya melaotshepetšo yeo e dumeletšwego ya dinamelwa tša porofensi bjalo ka ge e fetolwa nako le nako.
- (b) Mo go swanetšego, godiša tiragatšo ya melaotshepetšo ya dinamelwa tša porofensi ka gare ga tšhomo ya ditho tše dingwe tša mmušo.
- (c) hlkomela tiragatšo ya molaotshepetšo wa dinamelwa, dira dinyakišišo ka go merero yeo e hlolwago ke tiragatšo ya molaotshepetšo mme a dira diphetogo tšeo di nyakegago ka go molaotshepetšo;
- (d) hlama ditho tša tshedimošo le kgokagano le mekgwa ya go netefatša tsela yeo e kgokaganego ya go fana ka ditlabelo tirišwa tša dinamelwa le ditirelo;
- (e) godiša dinamelwa tša bohle gore:
 - (i) e be le bokgoni bja go phathagatša dinyakwa tša bašomiši;
 - (ii) e šome ka tsela ye hlwahlwa mabapi le tšhomišo ya methopo;
 - (iii) ditirelo tšeo di fiwago, ke tša maemo ao a dumelelegago e bile di fihlelelwa ke bašomiši ka kakaretšo mme di dirišwa ga mmogo le ditlabelotirišwa tšeo e lego tša maleba tšeo di fiwago ka ditefelo tšeo di amogelegago;
 - (iv) tirišong ya ditirelo tša dinamelwa tša bohle, šedi ye kgolo e fiwa polokego;

- (f) godiša tšweletšo ya dinamelwa tša bohle ka mokgwa wo e tlogo –
- (i) ela hloko tshepetšo ya bosetšhab le boditšhabatšhaba le mekgwa ye mekaone ya tšhomo;
 - (ii) tšwetša pele, ka gare ga maikemišetšo a kakaretšo a dinamelwa tša tsela, le polokego ya banamedi;
 - (iii) hlohleletša mekgwa ya kgwebio yeo e šomegago ya go ba le phadišano ka go fana ka ditirelo tša dinamelwa tša bohle tša tsela;
 - (iv) hlohleletša tshepetšo ya maanotshepetšo le ya kgokagano ya go fana ka ditirelo tša dinamelwa tša bohle tša tsela ka kgokagano ya ditlabelotirišwa le ditirelo tša dinamelwa tša bohle;
 - (v) ;
 - (vi)
- (g) hlohleletša tšhomišo ya maleba ya methopo ya enetši, le go fokotša ditlamorago tše mpe tša tikologo mo merero yeo e swanago le yeo e lego mabapi le dinamelwa; le
- (h) leka go nefatša gore tšhelete yeo e fiwago ke Porofensi le bolaodi bja tša dinamelwatša batho bohle e šomišwa ka mokgwa wo hlwahlwa, wa go seketša, wa tekatekano.

Taelotšhomo ka Molekgotla Phethiši

5. Molekgotla Phethiši a ka laela goba a fana ka matla goba mošomo wa gagwe go toropokgolo, bolaodi bja tša dinamelwagoba Hlogo ya Kgoro, ntle le matla a go dira melawana.

Melawana

6. (1) Molekgotla Phethiši a ka:

(a) dira melawana go ya merero yeo e hlalošwago ka go Molao wo go akaretšwa, fela go sa felele go -

- (i) mekgwa yeo ka yona ditoropokgolo goba bolaodi bja tša dinamelwaba ka diragatšago matla le mešomo;
- (ii) sebopego le mokgwa wo ka wona dipeakanyo tša dinamelwa tšeo di kgokaganego le dipego tša ngwaga ka ngwaga di swanetšego go beakanywa ka gona le go išwa ga tšona go Molekgotla Phethiši;
- (iii) tiragatšo le taolo ya dipeakanyo tša dinamelwa ;
- (iv) kgoboketšo ya datha le tshedimošo ya mabapi le dinamelwa;
- (v) thlamo ya hlokomelo ya lenaneo la tshedimošo yeo e kgokaganego;
- (vi) dintlha tša tlhobaboroko ya porofensi tšeo di swanetšego go elwa šedi ge go lokišwa peakanyo ya dinamelwa tšeo di kgokaganego;
- (vii) taolokgokagano ya peakanyo ya tshepetšo ya seporo, dipase le dithekisi le dikgokagano tša ditsela le diporo go kgabaganya Porofensi;
- (viii) kgokagano ya mafelo a dinamelwa tša bohle le ditirelo;
- (ix) kgontšha tšhomišanommogo magareng ga ditoropokgolo, bolaodi bja tša dinamelwagoba mebasepala go hlagiša dipeakanyo tša dinamelwa tšeo di kgokaganego goba ge go dirwa diporotšeke tša mohlakanelwa, le go lefela dipeakanyo tšeo le diporotšeke tšeo ka mohlakanelwa;

- (x) kgontša tsebagatšo ya dipeakanyo tša dinamelwa tšeo di kgokaganego le tshepetšo ya botšeakarolo bja setšhaba tšeo di swanetšego go dirwa ge go lokišwa, go senkwa goba go bewa nakong dipeakanyo tšeo;
 - (xi) tiragatšo ya magato go thibela tshenyoy ya ditsela ke dinamelwa tšeo di rwelwego go feta tekanyo;
 - (xii) taolotshepetšo le taolo ya dinamelwa tša bohle;
 - (xiii) maemo a polokego ya tsela;
 - (xiv) kago, go fana ka, hlokomelo le tirišo ya ditlabelotirišwa tša dinamelwa le taolotshepetšo ya tšhomišo ya tšona;
 - (xv) tlhamo ya ditho tša tshedimošo le kgokagano le mekgwa;
 - (xvi) kgokagano le tšomammogo magareng ga makalatiro a bamolao ka go mafelo a pušo a selegae le porofensi
 - (xvii) dialawense tša ditefelo le maeto, ge di le gona, tšeo di swanetšego go lefela magato a fe goba a fe ao a nyakegago goba ao a dumeletšwego go diragatšwa ka tlase ga Molao wo;
 - (xviii) bookamedi le taolo ya tšhelete ta thušo ya bolaodi bja tša dinamelwale mananeo a mangwe a thušo ya ditšhelete ya dinamelwa tša bohle; le
 - (xix) kgokaganyo ya merero ya dinamelwa le peakanyo ya tšhomišo ya naga ya masepala go akaretšwa le tšweletšo le kgodišo ya dikhoroto tše itšeng tša dinamelwa le mafelo;
- (b) dira melawana ya go fapafapana ya dinamelwa tša mafelo a go fapafapana goba diripa tša wona ka gare ga Porofensi;
 - (c) dira melawana ya mekgwa le maemo a dinamelwa ka go Porofensi; le
 - (d) go dira melawana ya dinyakwa tša porofensi mabapi le merero e fe goba e fe yeo go ya ka kgopolo ya Molekgotla Phethiši e swanetše go potlakiša go diragatša dikgontšhi le maikemišetšo a Molao wo.

(2) Molawana wo mongwe le wo mongwe wo o dirilwego go ya ka molao wa mathomo mme o šomišwa pelenyana ga tsenyo tirišong ya Molao wo mabapi le merero yeo e hlalošwago ka go karolwana ya (1) e bonwa ka maikemišetšo a Moao wo, bjalo ka melawana yeo e dirilwego go ya ka karolwana yeo go fihlela nako yeo Molekgotla Phethiši a dira molawana wa ka godimo ga wona ka tlase ga karolo ye.

KGAOLO YA 3

MALEBIŠA A MOLAO WA DINAMELWA TŠA MOTSESETOROPO

Tšomišo yeo e tšwelago pele ya Molao wa Dinamelwa tša Motsesetoropo

7. Go fihlela masepala a hlamilwe bolaodi bja tša dinamelwa go ya ka Molao wa Phetogelo wa Dinamelwa tša Tsela wa Bosetšhaba mme mesepala yoo a wela ka gare ga mellwane ya Lefelo la Dinamelwa la Metropolitene, bjale ge, Molao wa Dinamelwa tša Motsesetoropo, 1997 (Molao wa Nomoro ya 78 wa 1977 o tla dula o diragatšwa go lefelo leo mme maemo a Lefelo la Dinamelwa la Metropolitene leo le hlamilwego le toropokgolo di tla dula di se tše tša amega.

KGAOLO YA 4

THLAMO YA BOLAODI BJA TŠA DINAMELWA

Dikwano tša tlhamo ya mafelo a dinamelwa le bolaodi bja tša dinamelwa

8. (1) Bolaodi bja tša dinamelwa bo ka hlangwa go mafelo a dinamelwa, fela ka mo go kgontšhitšwego ka gona ka go Molao wo le ka go seripa sa 5 sa Molao wa Phetogelo wa Dinamelwa tša Tsela wa Bosetšhaba.

(2) Ditho tša kwano yeo e fanago ka ditšhelete di ka kwana go fetola mellwane ya lefelo la dinamelwa leo le amegago, ge e le gore phetogo yeo e ka ama mafelo a masepala wo mongwe, bolaodi bja tša dinamelwa, ge e le gore bo šetše bo hlamilwe, bo swanetše go šwalalanywa go ya ka karolo ya 20 mme bja hlangwa seswa.

Tlhamo ya Mafelo a Dinamelwa le Bolaodi bja tša Dinamelwa

9. (1) E sego ka morago ga matsatši a 30 morago ga go ruma kwano yeo e hlalošwago ka go seripa sa 8, Molekgotla Phethiši o swanetše gore, ka tsebišo ka gare ga Kasete ya Porofensi a:

- (a) tsebagatše kwano ya go ikhweletša, mo go swanetšego go sepelelana le dinyakwa tša seripa sa 10;
- (b) tsebagatše lefelo leo le amegago go ba lefelo la dinamelwa, mme a le fe leina leo go kwanwego ka lona ka go kwano;
- (c) mo go swanetšego, a gogele morago, ka mokgwa wo o kgontšhitšwego ka go karolo ya 3(1)(c) ya Molao wa Dinamelwa tša Motsesetoropo, 1997 (Molao wa Nomoro ya 78 wa 1977, tsebišo yeo ka yona mafelo a mebasepala yeo e amegago e bego e akareditšwe ka go Mafelo a Dinamelwa tša Metropolitene ao a amegago ka tlase ga temana ya (a) goba (b) ya karolo ya 3(1) ya Molao woo; le
- (d) go ya ka kwano ya go ikhweletša, a hlame go lefelo leo bolaodi bja tša dinamelwa go tloga go letšatši leo le beetšwego seo ka gare ga kwano ya phiwo ya ditšhelete.

(2) Kwano ya phiwo ya ditšhelete, ge e tsebagaditšwe, e na le matla a molao, mme ga go phetogo mo go yona yeo e nago le matla a molao goba khuetšo go fihlela phetogo e tsebagatšwa ka tsebišo ka go Kasete ya Porofensi ke Molekgotla Phethiši.

Dinyakwa tša Dikwano tša go ikhweletša

10. Dikwano tša go ikhweletša di swanetše go kgontšha tšeo di latelago:

- (a) tsebagatšo ka mahlakore ao a kwanago ya netefatšo ya kwano ya bona ya go hlama bolaodi bja tša dinamelwa bja lefelo la dinamelwa leo le amegago;
- (b) leina leo le tlogo fiwa lefelo la dinamelwa;
- (c) letšatši leo go tloga ka lona bolaodi bja tša dinamelwa bo tlogo hlangwa;
- (d) tlhamo le sebopego sa lekgotla la pušo la bolaodi bjoo bja dinamelwa, go akaretšwa -
 - (i) palo ya maloko a sona le moggwa woo ka wona ba tlogo bewa le go thwalwa, fela, ke bakhanselara ba mahlakore ao a tselago kontraka (morago ga fa ba tlogo bitšwa masepala wo o tšeago karolo) bao ba tlogo bewa mme ba thwalwa bjalo ka maloko a lekgotla la pušo;
 - (ii) go bewa le go kgethwa ga modulasetulo le mothuša modulasetulo ba lekgotla la pušo;
 - (iii) tshepetšo ya go dikgetho le ditokelo tša maloko tša go kgetha mo dikopanong tša lekgotla la pušo le komiti e fe goba e fe ya lona le mekgwa le tshepetšo ya go nolofatša mapheko ge go tšewa diphetho;
 - (iv) thwalo goba pewo ya mohlankedi mogolwane phethiši wa bolaodi bjoo bja dinamelwa, le maikarabelo, mešomo le matla ao a golaganego le kantoro yeo;
 - (v) matla a lekgotla la pušo ao a fiwago maloko a fe goba a fe a bjona, dikomiti goba mohlankedi mogolwane phethiši wa bolaodi bjoo bja dinamelwa; le
 - (vi) madulo a bolaodi bjoo bja dinamelwa le dikopano tša lekgotla la pušo la bjona;
- (e) aterese ya madulo ya go tlišetšwa dithoto, go romela goba go diragatša dikgokagano ka moka tša tshedimošo, ditokomane, ditsebišo le ditshepetšo tša kgotlatsheko go ya go lekgotla la pušo;
- (f) mo lefelo la dinamelwa le nago le mafelo a taolo a mebasepala yeo e tšeago karolo ye mebedi goba go feta fao -
 - (i) setseka sa mebasepala yeo a tšeago ka go tšhelete ya bolaodi bja tša dinamelwa; le
 - (ii) tiragatšo ya seporofešene, seteginiki, taolo, le mošomo wo mongwe wo o lego mabapi le tiragatšo ya matla le mešomo ya bolaodi bja tša dinamelwa go ya ka Molao wo;
 - (iii) go ya ka Molao wo, dinyakwa tšeo di swanetšego go hlokomelwa, le tshepetšo yeo e swanetšego go latelwa ke masepala o fe goba o fe yo a tšeago karolo yo a nyakago go gogela morago go tšwa go bolaodi bja tša dinamelwa, a etše hloko maithaopo ao a šaletšego morago le ditshenyagalelo tša bolaodi bjoo ka nako ya kgogelomorago; le
 - (iv) tshepetšo yeo e swanetšego go latelwa ya go šwalalanya bolaodi bjoo bja dinamelwa, go ya ka karolo ya 10(13) ya Molao wa phetogelo wa Dinamelwa tša Tsela wa Bosetšhaba;

(g) dipeakanyo tšeo di dirilwego tša tiragatšo ya seporofešene, seteginiki, taolo, botlelereke le mošomo wo mongwe wa bolaodi bja tša dinamelwa go ya ka dikarolo tša 21 le 20.

KGAOLO YA 5

MATLA LE MEŠOMO YA BOLAODI BJA TŠA DINAMELWA

Matla a Bolaodi bja tša dinamelwa

11. (1) Bolaodi bja tša dinamelwa bo ka, go ya ka molaotherwa wo o šomišwago ka go masepala, dira mešomo yeo e latelago:

- (a) kwanela sebopego sa ditefelo tša maeto, maemo a ditefelo tša maeto le ditefelo tša maeto tšeo di kwanelwago tša magoro ao a ikgethang tša banamedi ba dinamelwa tša bohle le phetolo ya nako le nako ya ditefelo tša maeto le bašoma ka ditirelo tšeo di hwetšago thušo ya ditšhelete;
- (b) mo mabakeng a ditirelo tšeo di hwetšago thušo ya ditšhelete, bo ka hlama sebopego sa sebopego sa ditefelo tša maeto, maemo a ditefelo tša maeto le ditefelo tša maeto tšeo di kwanelwago tša magoro ao a ikgethang tša banamedi ba dinamelwa tša bohle le phetolo ya nako le nako ya ditefelo tša maeto ka go ikopanya le batšeakarolo, ge e le gore Molekgotla Phethiši o file taelo goba ya mošomo wa thušo ya ditšhelete go bolaodi bja tša dinamelwa;
- (c) mo mabakeng a ditirelo tša dinamelwa tša bohle tšeo di sa hwetšego thušo ya ditšhelete, bo ka bea ditefelo tša maeto;
- (d) aga le go hlokomela ditlabelotirišwa tša dinamelwa;
- (e) diragatša taolo ya dinyakwa tša mesepelo;
- (f) godiša polokego ka go dinamelwa tša bohle;
- (g) beakanya dinyakwa tša dithentara, go mema, sekaseka le go fana ka dithentara tša dikotraka tša ditirelo tša dinamelwa tša bohle, ge e le gore go fana ga dithentara go ya ka tshepedišo ya maleba ya dithentara;
- (h) godiša le go kgontšha tlhamo ya mananeo ao a kgokaganego a dithekete le go bona le go bea magato a taolotšhomišo le taolo ya kabelano ya ditšhelete magareng ga bašoma ka tirelo bao ba amegago ka go lenaneo leo;
- (i) diragatša taolo ka kakaretšo ya lenaneo la dinamelwa;
- (j) kgokaganyo ya taolotšhomišo le tšhomišanommogo magareng ga makalatiro mabapi le merero ya sephethephethe le dinamelwa ;
- (k) tiragatšo ya mekgwa ya taolo ya sephethephethe yeo e lebišitšwego go kaonafatša tshepelo ya sephethephethe;
- (l) tšweletšo, hlokomelo le tšhomišo ya lenaneo la tshedimošo ya tša dinamelwa ka tšhomišano le Molekgotla Phethiši;
- (m) diriša magato ao a thibelago tshenyo ya ditsela ke dinamelwa tšeo di rwelego go fetiša tekanyo;
- (n) tsebagatšo yeo e lego mabapi le go fana ka ditirelo tša dinamelwa;

- (o) fana ka tshedimošo ya dinamelwa tša bohle go banamedi bao ba lego gona le go bao ba ka šomišago tirelo;
 - (p) kgonagatša botšeakarolo bja setšhaba ka go swara makgotla, dihlahlomošomo le bobegaditaba bjo bongwe go netefatša kgokagano le setšhaba le bašoma ka tirelo;
 - (q) laola phano ya ditirelo ka go -
 - (i) bea maemo a tiragatšo le maemo a seteginiki, le go bea leihlo kobamelo ya wona; le
 - (ii) go bea leihlo dikotraka le dikwano;
 - (r) tšweletša, diragatša le go bea leihlo maanotshepetšo go thibela le go fokotša ditlamorago tše mpe tša lenaneo la dinamelwa tša tsela mo tikologong; le
 - (s) kwanong le mebasepala yeo e tšeago karolo yeo e amegago -
 - (i) go tšea mešomo ya mabapi le ditsela tša masepala; le
 - (ii) go tšea magato go fokotša tshenyego ya lenaneo la ditsela mo seripeng seo sa lefelo la dinamelwa.
- (2) Bolaodi bja tša dinamelwa bo ka, ka kwano le Molekgotla Phethiši, fana ka matla ao le a filwego ke Molao wo go leloko le fe goba le fe goba mohlankedi wa bolaodi, goba wa mebasepala yeo e tšeago karolo.
 - (3) Bolaodi bja tša dinamelwa bo ka nyakišiša morero o fe goba o fe wo o welago ka gare ga maikemišetšo a Molao wo le ka gare ga lefelo la dinamelwa, ka tumelelo ya bolaodi bjo bo amegago, ka lefelong le fe goba le fe ka ntle ga lefelo la bjona la dinamelwa.
 - (4) Bolaodi bja tša dinamelwa bo ka hiriša motho o fe goba o fe seripa seo se sa šomišwego sa naga goba moago o fe goba o fe wo bo bo o hweditšego mme bo tla lefela dipoelo tšeo di hwetšwago fao ka go akhaonto ya bjona goba ka go sekhwama sa resefe.
 - (5) Mo ditlabelo tša dinamelwa tša bohle di lego lefelong la poraebete, bolaodi bja tša dinamelwa bo ka laola tšhomišo ya ditlabelo ka morago ga go ikopanya le mong wa lefelo;
 - (6) Bolaodi bja tša dinamelwa bo ka dira tiro yeo e ka bo kgontšhago go phethagatša mešomo ya bjona go ya ka Molao wo, go tee le tiro yeo e itšweletšago goba e sepelelanago le, goba e tlišwa ke, Molao wo.
 - (7) Molekgotla Phethiši le bolaodi bja tša dinamelwa ba ka kwana:
 - (a) gore mešomo yeo e fapanego e dirwe go dinagamagae go na le metsetoropong ka go lefelo la dinamelwa leo le amegago; goba
 - (b) mo mabakeng a masepala wa legoro la C, bjalo ka ge go hlalošwa ka go karolo ya 155(1)(c) ya Molaotheo, ka go ba masepala yeo a tšeago karolo, gore mešomo yeo e fapanego e ka dirwa ka go mafelo a taolo ya maepala wa legoro la B ka go lefelo leo le amegago, go na le ka ntle ga mafelo ao.
 - (8) Bolaodi bja tša dinamelwa bo swanetše, ka malebiša a go netefatša tirišo ya matla a molao wa dinamelwa tšeo di kgokaganego ka gare ga lefelo a bjona, go kgokagana nako le nako le Ditirelo tša Sephodisa sa Afrika Borwa, makalatiro goba bolaodi bjo bo amegago bja tiragatšo ya molao bja porofensi le masepala, le bahlahlobi bao ba thwetšwego ka tlase ga

Molao wa Dinamelwa tša Tsela tša go Kgabaganya Mellwane, 1998(Molao wa Nomoro ya 4 wa 1998);

- (9) Bolaodi bja tša dinamelwa bo ka, ka kwano le masepala yo a tšeago karolo, tšea maikarabelo a mohlakanelwa a, goba go thuša masepala yo a tšeago karolo go diragatša mekgwa ya taolo ya sephethephethe yeo e lebišitšego go kaonafatša kelelo ya sephethephethe.
- (10) Go ya ka molaotherwa wo o amago mebasepala, bolaodi bja tša dinamelwa bo swanetše go dira mošomo wo bo o filwego ke Molao wo mme bo ka; ka tumelelo ya Molekgotla Phethiši:
- (a) godiša tšhomišo ka botlalo ya mafelo ao a lego gona a mosepelo go kaonafatša bokgoni bja lenaneo la dinamelwa mme gwa fokotšwa nako ya mosepelo le ditefelo; le
- (b) dira ditefelo go bašoma ka ditirelo tša dinamelwa tša bohle go ya ka dikontraka tša ditirelo tša dinamelwa tša bohle tšeo di hwetšago thušo ya dithelete le dikwano tša ditefelo tšeo di kwantšwego mo le bjona bo tšeago karolo, ge e le gore Molekgotla Phethiši o laetše goba o file bolaodi mošomo woo;
- (11) (a) Ge Bolaodi bja tša dinamelwa -
- (i) bo palelwa ke go diragatša mošomo wa bjona go ya ka karolwana ya (1);
- (ii) bo tšere mošomo wo o hlalošwago ka go karolwana ya (7), mme bo palelwa ke go o dira; goba
- (iii) bo palelwa ke go diragatša mošomo ka tshwanelo le ka bokgoni go ya ka Molao wo le melao ya porofensi yeo e beilwego,

Molekgotla Phethiši a ka re ka tsebišo yeo e lebišitšwego go mohlankedi phethiši mogolwane goba setho sa taolo sa bolaodi bja tša dinamelwa , a laela bolaodi bjoo go lokiša mathata ao le go diragatša mošomo woo o amegago, ka mo go lego ka gona, e sego morago ga letšatši leo le lego ka go tsebišo.

- (c) Ka fao setho sa taolo le mohlankedi phethiši mogolwane ba na le maikarabelo a go netefatša kobamelo ya ka pele mabapi le seo
- (d) Ge bolaodi bja tša dinamelwa bo palelwa ke go lokiša bothata ka nako yeo e filwego ka go tsebišo, Molekgotla Phethišia ka -
- (i) tšea magato a pele, pele a tsena gare go ya ka karolo ya 139 ya Molaotheo gore go netefatšwe phethagatšo ya mošomo o fe goba o fe wa toropokgolo goaba bolaodi bja tša dinamelwa, wo o ka akaretša kgapeletšego ya toropokgolo goaba bolaodi bja tša dinamelwa go dira pego ka ga tšwelopele yeo e dirwago go phethagatša mošomo woo le go bontšha magato ao a šišintšwego go diragatša ditokišo le ditlhaelelo tšeo di diregilego ge go phethagatšwa mošomo wa bjona; le
- (ii) go šomiša tšhelete go tšwa go sekhwama sa porofensi sa poloko yeo e beetšwego go Abelwa bolaodi bja tša dinamelwa, go lefela ditshenyegelo tša go tšea magato ao, goba go hwetša ditshenyegelo tšeo go bolaodi bja tša dinamelwa.

(12) Bolaodi bja tša dinamelwa bjo bongwe le bjo bongwe bo swanetše go beakanya pego ya ngwaga ka ngwaga ya Molekgotla Phethišia bjalo ka ge go bellwe

Matla a tlaleletšo a bolaodi bja tša dinamelwa

12. (1) Bolaodi bja tša dinamelwa bo ka tsenela kwano le masepala, motho goba institšušene, ka ba ka ntle goba ka gare ga lefelo la dinamelwa, yeo ka yona:

- (a) bolaodi bja tša dinamelwa bo tšeago matla legatong la masepala yoo, motho goba institšušene a go diragatša mošomo wo masepala yoo, motho goba institšušene a ka o dirago goba a gapeletšegago go o dira; le
 - (b) masepala yoo motho goba institšušene di tšeago matla legatong la bolaodi bja tša dinamelwa bjoo, a go diragatša mošomo wa bolaodi bja tša dinamelwa goba seripa sa wona ka tlase ga Molao wo.
- (2) Bolaodi bja tša dinamelwa bo ka tsenela fela kwano yeo e hlalošwago ka go karolo ya (1) ge e le gore bo na le bokgoni go ya ka Molao wo le molaotherwa wo o lebanego wa dinamelwa go diragatša matla ao a swanago goba mošomo wo o swanago mabapi le lefelo la dinamelwa.
- (3) Kwano go ya ka karolwana ya (1) e ka akaretša tšhomišo ya tšhelete ya bolaodi bja tša dinamelwa ka ntle ga lefelo la bjona la dinamelwa, ge e le gore Molekgotla Phethiši le Leloko la Khansele Phethiši bobedi yeo e nago la maikarabelo a ditšhelete bobedi ba fihlelela kwano.
- (4) Godimo ga matla ao a bo filwego go ya ka Molao wo le molao o fe goba o fe wa porofensi, bolaodi bja tša dinamelwa bo ka diragatša magato a fe goba a fe a semolao goba bja dira se sengwe le se sengwe seo motho wa molao a nago le bokgoni bja tša molao a ka se diragatšago, ntle le ge go sa sepele ka Molao wo.

Pušo ya bolaodi bja tša dinamelwa

13. Setho sa taolo se emela bolaodi bja tša dinamelwa, mme ditiragatšo tšohle tšeo di dirwago ke setho sa taolo goba motho mang goba mang yo a filwego matla ke setho seo go diragatša legatong la sona, ke mediro ya bolaodi bjoo.

KGAOLO YA 6

DITŠHELETE TŠA DITOROPOKGOLO LE BOLAODI BJA TŠA DINAMELWA

Ditšhelete tša ditoropokgolo

14 Ditšhelete tša ditoropokgolo mabapi le Molao wo di tla sepetšwa go ya ka dikgontšhi tša Molao wa Dinamelwa tša Motsesetoropo, 1977 (Molao wa Nomoro ya 78 wa 1977).

Ditšhelete tša Bolaodi bja tša Dinamelwa

15. (1) (a) Bolaodi bja tša dinamelwa bo swanetše -

(i) gore e sego morago ga dikgwedi tše tharo pele ga mafelelo a ngwaga wo mongwe le wo mongwe wa ditšhelete bo beakanye peakanyetšo yeo e nago le setatamente sa letseno leo le akareditšwego le ditshenyegelo tša ngwaga wa ditšhelete wo o tlogo; le

(iii) iša tekanyetšo yeo go masepala yo a tšeago karolo gore e dumelelwe ka letšatši leo le tla bewago ke Molekgotla Phethiši; fela bolaodi bjoo bo ka re ka nako e fe goba e fe lebakeng la ngwaga wa nako yeo wa ditšhelete bja iša peakanyetšo ya tlaleletšo ya ngwaga wa nako yeo wa ditšhelete go masepala go e dumelela.

(b) Molekgotla Phethiši bo ka se dire ditshenyegelo tša go feta palomoka ya tšhelete; go akaretšwa tšhelete ya tlaleletšo ya peakanyetšo yeo e dumeletšwego ke mebasepala go ya ka temana ya (a).

(c) Bolaodi bja tša dinamelwa bo ka hlama sekhwama sa polokelo sa mabaka ao a golaganego le mešomo ya bjona go ya ka Molao wo, yeo e dumeletšwego ke Molekgotla Phethiši, mme bja tsenya ka go sekhwama sa polokelo tšhelete yeo e beetšwego mabaka ao ka go peakanyetšo, go akaretšwa peakanyetšo e fe goba e fe ya tlaleletšo yeo e dumeletšwego ka tlase ga temana ya (a).

(2) Mohlankedi Phethiši Mogolwane wa bolaodi bja tša dinamelwa o swanetše go:

- (a) bea direktoto tša maleba tša akhaonting go ya ka tiragatšo le tshepetšo ya akhaonting yeo e dumelelegago le
- (b) go netefatša gore direktoto tša akhaonting di akaretša bihlatse bja poloko ya ditšhelete ka moka tšeo di kgobokeleditšwego ka go bolaodi bja tša dinamelwa le ditshenyegelo tšeo di bonwego ke bolaodi.

Dikadimo tša bolaodi bja tša dinamelwa

16 Bolaodi bja tša dinamelwa bo ka dira kadimo go thuša ka ga tiragatšo ya peakanyo ya dinamelwa tšeo di kgokaganego yeo e dumeletšwego mme kadimo yeo e swanetše go:

- (a) ba le tumelelo ya Molakgotla Phethiši pele; le
- (b) bontšhwa ka go peakanyetšo.

Melao ya ka gare

17 (1) Toropokgolo goba masepala yo a amegago a ka, ka tšhišinyo ya bolaodi bja tša dinamelwa le go ya ka karolwana ya (2), le go ya ka peakanyo yeo e šomago ya dinamelwa tšeo di kgokaganego yeo e dumeletšwego, dira melao ya ka gare go:

- (a) laola bogolo, legoro, boima goba palo ya mebotoro yeo e a tsenago seripeng se itšeng sa lefelo la wona dinamelwa mme a bea nako goba dinako tša gore legoro le fe goba le fe la dinamelwa le ka tsena ka go seripa se fe goba se fe;
- (b) laola goba a thibela tseno ya legoro le fe goba le fe la dinamelwa ka go seripeng se fe goba se fe nakong e fe goba e fe yeo e beilwego;
- (c) thibela thwalo goba go fološa dithoto ke mebotoro ka go seripa se fe goba se fe ka nako e fe goba e fe le ka lebaka le fe goba le fe leo e beilwego mme a bea nako goba dinako tša gore thwalo le go fološa di ka dirwa neng;

- (d) laola goba go thibela go fana ka mafelo a boema dinamelwa ka gare ga moago o fe goba o fe goba lefelo
- (e) laola maitshwaro a baotledi ba dinamelwa tša bohle;
- (f) laola go fana le tšhomišo ya ditlabelo tša dinamelwa tša bohle;
- (g) laola merero ye mengwe go phethagatša maikemišetšo a Molao wo.

(2) Molao ya ka gare yeo e dirilwego e ka bea dikotlo tšeo di sa fetego tšeo di hlalošwago ka go karolo ya 39 tša go molato goba go palelwa ke go obamela molao.

Tšewo ka Mmušo wa Porofensi

18. Molekgotla Phethiši a ka, go ya ka Molao wa Taolo ya Ditšhelete tša Setšhaba, 1999 (Molao wa Nomoro ya 29 wa 1999), dira:

- (a) ditefelo goba ditumelelo tša tšhelete bjalo ka ge a ka bona di tla tšweletša malebiša a dinamelwa tša porofensi pele le go tlaleletša tšhelete ya toropokgolo goba bolaodi bja tša dinamelwa, mme a ka tsenya tšhelete yeo e lefetšwego bjalo goba e dumeletšwego ka go bolaodi bjo bo amegago;
- (b) ditefelo tša lebaka la magareng, ditirelo tšeo di thentartilwego goba di filwego thušo ya ditšhelete, dikontraka le ditumelelo goba kwano e fe goba e fe ya thušo ya ditšhelete;
- (c) ditumelelo tša tšhelete tša go thuša magoro a itšeng a banamedi go thuša phokotšego ya ditefelo tša dinamelwa tša bohle;
- (d) ditefelo tšeo di išwago go ditshenyegelo tša go fana le hlokomelo ya ditlabelotirišwa tša dinamelwa;
- (e) tefelo goba ditumelelo tša tšhelete tša go thuša phokotšego ya ditefelo tša mananeo a polokego ditseleng;
- (f) tefelo goba ditumelelo tša tšhelete tša go thuša phokotšego ya ditefelo tša go tsenya thekenolotši ye mpsha goba mananeo;
- (g) tefelo goba ditumelelo tša tšhelete tša go thuša phokotšego ya ditefelo tša dipontšho goba diporotšeke tša teko;
- (h) tefelo goba ditumelelo tša tšhelete tša go thuša phokotšego ya ditefelo tša go hlama le go hlokomela mafelo a tlhahlo le tshedimošo;
- (i) tefelo goba ditumelelo tša tšhelete tša go thuša phokotšego ya ditefelo tša go tšweletša le go hlokomela datapeisi le mananeo a tshedimošo;
- (j) tefelo goba ditumelelo tša tšhelete tša go thuša phokotšego ya ditefelo tša diporotšeke tšeo di lego mabapi le dinamelwa, dithuto le dinyakišišo tšeo di lego maleba tša Porofensi go phethagatša mešomo ya yona; le
- (k) tefelo goba ditumelelo tša tšhelete go mabaka a mangwe go fihlelela malebiša a Molao wo.

KGAOLO YA 7

TŠHWALALANYO YA BOLAODI BJA TŠA DINAMELWA

Tšhwalalanyo ya Bolaodi bja tša Dinamelwa

19. (1) (a) Go ya ka temana ya (b) ya karolwana, bolaodi bja tša dinamelwa bo ka šwalalanywa fela ka mo go kgontšhitšwego ka go karolo ye; le
- (b) Temana ya (a) ya karolwana ye ga e ame matlatšhomo a Molekgotla Phethiši go mmušo wa selegae, ge a ditagatša go ya ka karolo ya 14 ya Molao wa Mmušo wa Selegae: Ditlhangwa tša Masepala, 1998 (Molao wa Nomoro ya 117 wa 1998).
- (2) Bolaodi bja tša Dinamelwa bo šwalalanywa go ya karolwana ya (1)(a) ge dinyakwa tšeo di latelago di kgotsfaditšwe:
- (a) ge go na le boemedi bo tee fela bja masepala mo bolaoding bja tša dinamelwa, mme bo tšea sephetho sa go emiša botšeakarolo bja sona ka go bolaodi bja tša dinamelwa mme ba tsebišitše Molekgotla Phethiši ka ga sephetho seo;
- (b) ge go na le boemedi bja masepala o tee goba bja mebasepala ye mebedi mo bolaoding bja tša dinamelwa –
- (i) mebasepala yeo e amegago e kwane gore bolaoding bja tša dinamelwa bo šwalalanywe, mme ba tsebišitše Molekgotla Phethiši; le
- (ii) ge masepala o fe goba ofe a tšere sephetho sa go emiša botšeakarolo ka go bolaodi bjoo bja tša dinamelwa mme masepala yo mongwe le yo mongwe yo a tšerego sephetho seo a tsebišitše Molekgotla Phethiši le boemedi bjo bongwe ka ga sephetho seo;
- (c) Molekgotla Phethiši, ka matšatši a 30 morago ga go tsebišwa seo, o swanetše go kwalakwatša tsebišo ka go Kasete ya Porofensi le ka go kuranta yeo ka kakaretšo e balwago lefelong leo la dinamelwa mme di na le –
- (i) dintlha tša tšhwalalanyo yeo e akantšwego;
- (ii) memo ya bao ba nago le kgahlego go ka fana ka tshwaetšo mme ba fana ka ditlhalošo mabapi le seo; le
- (iii) go kgopela bao ba nago le kgahlego go fana ka tshwaetšo le ditlhalošo ka go ngwala, go Molekgotla Phethiši, letšatšing leo le beilwego ka go tsebišo, fela go swanetše go fiwe lebaka la matšatši a 30 la kamogelo ya ditshwaetšo le ditlhalošo;
- (d) boemedi ka moka ka go go bolaodi bja tša dinamelwa bo swanetše go tsenela kwano yeo ka yona go tlogo dirwa dipeakanyo, go etšwe šedi ditshwaetšo le ditlhalošo, ge e le gore di filwe go latela tsebišo ya Molekgotla Phethiši go ya ka karolwana ya 19(2)(c), mabapi le merero yeo e badilwego go karolwana ya 10(13) ya Molao wa Bosetšhaba wa Nako ya Phetogelo wa Dinamelwa tšeo di sepelago Fase, fela letšatši la

- tšhwalalanyo le swanetše go bewa ka moo le tla dumelelago sebaka seo se kgotsofatšago sa go fiwa ga tsebišo go ya ka karolwana ya (4); le
- (e) Molekgotla Phethiši wa mmušo wa selegae o tla tsebišwa ka ga sephetho sa go šwalalanya bolaodi bja tša dinamelwa.
- (3) Ge Molekgotla Phethiši le mebasepala yeo e amegago bao e lego maloko a bolaodi bjoo bja tša dinamelwa ba retelelwa ke go fihlelela kwano ka ga morero o fe goba o fe wo o hlalošitšwego ka go karolwana 19(2);
- (a) morero o swanetše go senkwa ke bonamodi go ya ka Molao wa Bonamodi, 1965 (Molao wa Nomoro ya 42 wa 1965), mme pono ya monamodi ke ya mafelelo e bile e a tlama; le
- (b) pono ya monamodi e tšeelwa šedi mabakeng a karolwana ya (2) bjalo ka setho sa kwano yeo e hlalošwago ka go temana ya (d) ya karolwana yeo goba, mo go swanetšego, a dira kwano yeo.
- (4) Molekgotla Phethiši o swanetše, matšatšing a 30 go tloga letšatšing la kwano yeo e hlalošwago ka go karolwana ya (2) goba (3), ka tsebišo ka go Kasete ya Porofensi le ka kuranta yeo e balwago lefelong leo le amegago la dinamelwa, go tsebagatša tšhwalalanyo ya bolaodi bja tša dinamelwa mme a tsebagatša dintlha tša kwano, fela letšatši la tšhwalalanyo le swanetše go bewa matšatšing ao a sego ka tlase ga a 90 go tloga letšatšing la tsebišo.

KGAOLO YA 8

LEKGOTLAPHETHIŠI LA TŠA DINAMELWA**Lekgotlaphethiši la tša Dinamelwa**

(20) (1) Baemedi ka go kwano ya khwetšo ba ka kgontšha ka go yona:

- (a) gore mošomo wa seporofešene, seteginiki, taolo le ye mengwe mabapi le go šomiša matla le go diragatša mešomo ya bolaodi bja tša dinamelwa go ya ka Molao wo, o tla direlwa bolaodi bja tša dinamelwa ke taolo ya masepala o tee goba ye mebedi ya mebasepala yeo e tšeago karolo, goba
- (b) tlhamo ka bolaodi bja tša dinamelwa ya setho ka tlase ga tlhokomelo ya bjona go ya ka taolo ya bjona (seo mono se bitšwago lekgotlaphethiši la dinamelwa), go diragatša mešomo ka moka yeo e swanago le yeo goba mohuta o fe goba o fe goba legoro la mošomo woo wa bolaodi bja tša dinamelwa.

(2) Mo kwano ya khwetšo e kgontšhago tlhamo ya lekgotlaphethiši la dinamelwa:

- (a) kgontšho e ka dirwa ka gare ga kwano gore bolaodi bja dinamelwa, ge bo kgopetšwe bjalo ke bolaodi bjo bongwe bja dinamelwa, bo ka tliša lekgotlaphethiši la bjona la dinamelwa go direla bolaodi bjoo bo bongwe - bja tša dinamelwa mošomo wa mohuta woo
 - (i) go ya ka kwano yeo e ngwetšwego yeo e tsenetšwego magareng ga bolaodi bja tša dinamelwa bjoo bo amegago;
 - (ii) ka tšhelete goba ka tefelo yeo e beilwego ka gare ga kwano yeo; le
 - (iii) go ya ka mabaka le magora ao a beilwego ka gare ga kwano ya khwetšo; le mabaka le magora ao a beilwego ka gare ga kwano yeo; le
- (b) kgontšho ya tšeo di latelagoe swanetše go dirwa:
 - (i) mo e sego mešomo ka moka ya seporofešene, seteginiki, taolo le ye mengwe ya bolaodi bja tša dinamelwa yeo e swanetšego go dirwa ke lekgotlaphethiši la dinamelwa, ditlhalošo tša mohuta goba legoro la mešomo yeo tiragatšo ya yona e lego maikarabelo a lekgotlaphethiši la dinamelwa;
 - (ii) lefelo leo dikantoro tša lekgotlaphethiši la dinamelwa di tla bago gona;
 - (iii) tselatshpetšo ya go hwetša tlhamo ya bašomi ba bolaodi bja tša dinamelwa; le
 - (iv) matla a go thwala le go lebogiša bašomi mošomo.

Makgotlaphethiši a dinamelwa a mohlakanelwa

- (21)(1) Molekgotla Phethiši le bolaodi bja tša dinamelwa bjo bongwe le bjo bongwe bjo bo filwego matla ao ke mebasepala ya bjona yeo e tšeago karolo ba ka tsenela kwano yeo e kgontšhago tlhamo ya lekgotlaphethiši la dinamelwa ka tlase ga tlhokomelo ya bolaodi bjoo bja tša dinamelwa bjo bo hlakanetšwego, go diragatša, go bjo bongwe le bjo bongwe, mošomo wa seporofesene, seteginiki, taolo le ye mengwe mabapi le go šoma ga lona bjalo ka bolaodi bja tša dinamelwa go ya ka Molao (seo mono se bitšwago lekgotlaphethiši la dinamelwa la mohlakanelwa.
- (2) Ka go kwano yeo, kgontšho e swanetše go dirwa ya:
- (a) merero yeo e bolelwago ka go karolwana ya 20(2)(b), yeo, ka diphetogo tše di nyakwago ke tlhalošo, e direga mabapi le lekgotlaphethiši la dinamelwa;
 - (b) matla a bolaodi bja tša dinamelwa bjo bo tšeago karolo mabapi le tiragatšo ya bookamedi le taolo ya lekgotlaphethiši la dinamelwa la bjona la mohlakanelwa; le
 - (c) go tsenya seatla ga bolaodi bjo bongwe le bjo bongwe bja tša dinamelwa ka go ditšhelete tša lekgotlaphethiši la dinamelwa la mohlakanelwa.

KGAOLO YA 9

TAELOMOŠOMO

Taelomošomo wa Ditho tša Taolo

22. Setho sa taolo sa bolaodi bja tša dinamelwase ka fana ka matla a fe goba a fe a sona go ya ka Molao wo, ntle le matla a pušo ao a hlalošitšwego ka go karolo ya 13 le matlaa o a filwego ke karolo ye, go leloko le fe goba le fe la setho sa Taolo.

Dikgonegišo tša Taelomošomo

23. (1) Taelomošomo ka setho sa taolo ka tlase ga karolo ya 22:
- (a) e ka dirwa go ya ka mabaka a fe goba a fe ao a beilwego ke setho sa taolo;
 - (b) e ka fiwa go tee le matla a go fetetša pele taelomošomo, go ya ka mabaka ao a filwego; le
 - (c) e swanetše go ba ka go ngwala mme e swanetše go ba le dintlha ka botlalo tša merero yeo e laelwago go šongwa le tša mabaka a fe goba a fe ao a golaganego le taelomošomo, le, moo matla a phetetšo pele ya taelomošomo a fiwago, e swanetše go bontšha ntlha yeo go tee le mabaka a fe goba a fe ao a kgokeleditšwego.

- (1) Setho sa taolo se ka re ka nako e fe goba e fe:
- (a) fetola goba sa gana taelomošomo yeo e dirilwego ka tlase ga karolo ya 22; goba
 - (b) sa gogela morago sephetho seo se tšerwego ke bafiwamatla mabapi le mrero wo o laetšwego go dirwa, mme sa tšea sephetho ka morero woo ka bosona fela sephetho seo se tšerwego ke bafiwamatla se ka nna sa se gogelwe morago mo se nago le tokelo ya maswanedi a setho sa boraro se fe goba se fe.
- (2) Ge Molekgotla Phethiši a kgotsofetše gore dikgahlego tša dinamelwa tša tsela ka porofensing goba lefelong la dinamelwa di nyaka ka mokgwa woo, Molekgotla Phethiši a ka re ka tsebišo ka go Kasete ya Porofensi a:
- (a) ganetša balaelwamošomo matla ao a itšeng goba mošomo, e ka ba ka kakaretšo goba ka mabaka ao a bontšhwago ka go tsebišo;
 - (b) fokotša mabaka ao ka wona matla a itšeng goba mošomo di ka fiwago ka wona;
 - (c) bea magora ao ka gare wona matla a itšeng goba mošomo di ka fiwago;
 - (d) mabapi le matla a fe goba a fe goba mošomo wo o hlalošitšwego ka go tsebišo, thibela taelo pele ge setho sa taolo se laela pele matla goba mošomo.

KGAOLO YA 10

PEAKANYO YA DINAMELWA

Mekgwa ka kakaretšo ya peakanyo ya dinamelwa, le tswalano ya yona le tšweletšo ya naga

(24. (1) Peakanyo ya dinamelwa tša tsela e swanetšo go kgokagana le tshepetšo ya tšweletšo ya naga, le dipeakanyo tša dinamelwa tšeo di nyakegago mabakeng ao ke Molao wo di dirilwe ka mokgwa wa go fa sebopego go peakanyo ya masepala yeo e bolelwago ka go Seripa sa B sa Šetšulo ya 4 ya Molaotheo, mme e swanetše go tsenywa go mme e dire setho sa dipeakanyo tšeo di kgokaganego tša tšweletšo, go etšwe šedi karolo ya 84(1)(a), 84(2) le 84(3) ya Molao wa Mmušo wa Selegae: Ditlhangwa tša Masepala, 1998 (Molao wa Nomoro ya 117 wa 1998), le lebakeng le:

- (a) mo bolaodi ba peakanyo bjo bo amegago e lego masepala yo a hlalošwego ka go karolo ya 26(1)(c), dipeakanyo tšeo di boletšwego ka go temana ya (b) go ya go (f) tša karolwana ya (1) ya karolo ya 25 di swanetše go dira seripa sa dinamelwa sa peakanyo yeo e kgokaganego ya tšweletšo ya masepala; le
- (b) mo lefelo la taolo ya masepala le welago ka moka goba seripa ka go Lefelo la Dinamelwa, dipeakanyo tšeo di bolelwago ka go ditemana (b) go ya go (f) tša karolwana ya (1) ya karolo ya 25 di bopa seripa sa peakanyo yeo e kgokaganego ya tšweletšo ya

masepala yoo mabapi le seripa sa mafelo ao a lego ka tlase ga taolo ya wona yeo e welago ka tlase ga lefelo la dinamelwa goba lefelo la metropolitene.

(2) Go ya ka karolo ye, peakanyo ya dinamelwa tša tsela e swanetše go dirwa ka mokgwa wo e tla akaretšago dinamelwa tša batho bohle le tša poraebete le mafelo ka moka a dinamelwa tša naga tšeo di lego maleba le lefelo leo le amegago, mme e swanetše go lebantšha tsela ye tšhomego ye kaone ya ditefelo tša fase ya go tloga lefelong le lengwe go ya go le le lengwe mo lenaneong.

(3) Dipeakanyo tša dinamelwa di swanetše go beakanywa gore di:

- (a) kaonafatše tshepetšo ye kaone ya ditoropokgolo, ditorotswana le dinagamagaeng ka peakanyo yeo e kgokaganego ya ditlabelotirišwa tša dinamelwa, tirišo ya dinamelwa go akaretšwa tshepedišo ya dithoto, ditirelo tša go rwala ka mokgobo le ditirelo tša dinamelwa tša bohle ka gare ga ditlhalošo tša dipeakanyo tša tšweletšo yeo e kgokaganego go ya ka Molao wa Mmušo wa Selegae: Mananeo a Masepala, 2000 (Molao wa Nomoro ya 32 wa 2000);
 - (b) dikgoba thwii tša mešomo le medirwana, tlhakanelo ya tšhomišo ya naga le tšweletšo ya bodulo bja bontši ka go tšhomišong ye kgolo ya dikhorito tša dinamelwa tša bohle tšeo di kgokaganego ka mafelo ao a tšweleditšwego ka gare ga dikhorito, le go fokotša go ikala ga metsesetoropo mo go se nago ditirelo tša dinamelwa tša bohle;
 - (c) bea pele go tlatša le go tlabela dikhorito tša dinamelwa tša bohle;
 - (d) etiša pele dinamelwa tša batho bohle go na le tša poraebete ka go netefatša go fanwa ga ditirelo tša dinamelwa tša bohle tše hlwahlwa le go šomiša magato a taolo ya dinyakwa tša mesepelo go tlogediša tšhomišo ya dinamelwa tša poraebete;
 - (e) kaonafatša phihlelelo ya ditirelo tša dinamelwa tša bohle le ditlabelo, le tšhomišego ya dinamelwa labakeng la batho bao ba nago le bogole; le
 - (f) phokotšo ya ditlamorago tše mpe mo tikologong.
- (4) Peakanyo ya dinamelwa e swanetše go bonwa bjalo ka tshepetšo yeo e sa felego yeo ka yona ditoropokgolo le bolaodi bja tša dinamelwaba tšweletšago ka bokgoni mme ba diragatša ditirelo tšeo di kgokaganego tša dinamelwa tša bohle mo mafelong a tšona.
- (5) Toropokgolo le bolaodi bja tša dinamelwadi swanetše go, ntle le ge go se maleba goba go sa kgonege mo mabakeng ao, ge ba dira peakanyo e fe goba e fe, netefatša tshepedišo le kgokagano ka gare le magareng ga mafelo a dinamelwa gore go kaonafatšwe phihlelelo le tšhomišo ya ditirelo tša dinamelwa tša bohle le ditlabelotirišwa.
- (6) Molekgotla Phethiši o swanetše go netefatša tshepetšo ya peakanyo ya ditoropokgolo le bolaodi bja tša dinamelwa ka tlase ga taolo ya porofensi

le, ka go dira bjalo, o swanetše go netefatša gore mananeo ka moka a thuša:

- (a) ditirelo tša dinamelwa tša bohle tšeo di šomago go kgabaganya mellwane ya ditoropokgolo, bolaodi bja tša dinamelwa goba bolaodi bja masepala o fe goba o fe;
- (b) dikgokagano tša tsela le seporo;
- (c) mesepelo ya dithoto;
- (d) dinyakwa tša magoro ao a ikgethang a banamedi;
- (e) go bakišana magareng ga ditoropokgolo goba bolaodi bja tša dinamelwa mo go ka hlolago poeletšo le go fana ka ditlabelotirišwa tšeo di feteletšego tša dinamelwa mo retšeneng; le
- (f) kgokagano ya dinamelwa le peakanyo ya tšhomišo ya naga ka gare ga tlhalošo ya Molao wa Mmušo wa Selegae: Mananeo a Masepala, 2000 (Molao wa Nomoro ya 32 wa 2000); goba molao o fe goba o fe wa porofensi wo o swanago le woo.

Mehuta ya dipeakanyo tšeo di nyakwago ke Molao wo

25. (1) Dipeakanyo tšeo di latelago di a nyakega mabakeng a Molao wo:

- (a) magoratsšhomo a dinamelwa tša tsela tša porofensi ao a kgontšhwago ka go karolo ya 27;
- (b) direktoto tša ga bjale tša dinamelwa tša bohle tšeo di kgontšhitšwego ka karolo ya 28;
- (c) maanotshepetšo a dilaesense tša tšhomo tšeo di kgontšhitšwego ka karolo ya 29;
- (d) dipeakanyo tša tekatekanyo tšeo di kgontšhitšwego ka karolo ya 30;
- (e) dipeakanyo tša dinamelwa tša bohle tšeo di kgontšhitšwego ka karolo ya 31; le
- (f) dipeakanyo tša dinamelwa tšeo di kgokaganego tšeo di kgontšhitšwego ka karolo ya 32;

(2) Tswalano le tatelano dipeakanyo tša dinamelwa di ka mokgwa wo o latelago:

- (a) Kgoro e swanetše go beakanya legoratsšhomo la mathomo la dinamelwa tša tsela la porofensi bjalo ka tšhupatsela ya kakaretšo ya peakanyo ya dinamelwa ka gare ga Porofensi leo le swanetšego go tseneletšwa ka go peakanyo ya tšweletšo ya porofensi;
- (b) bolaodi bjo bongwe le bjo bongwe bja tša dinamelwa le toropokgolo, le masepala wo mongwe le wo mongwe tšeo di nyakwago ke Molekgotla Phethiši go dira bjalo, di swanetše go lokiša peakanyo ya dinamelwa tša bohle yeo e swanetšego go akaretša (i) rekoto ya ga bjale ya dinamelwa tša bohle; le
 - (ii) maanotshepetšo a dilaesense tša tšhomo; le
 - (iii) ge e na le ditirelo tša dinamelwa tša bohle tšeo di hwetšago thušo ya tšhelete, peakanyo ya tekatekanyo;

- (c) bolaodi bja tša dinamelwale ditoropokgolo, le mebasepala ye mengwe yeo e kgopetšwego bjalo ke Molekgotla Phethiši, ba swanetše go lokiša peakanyo ya dinamelwa tšeo di kgokaganego yeo e tla tsenyeletšago peakanyo ya dinamelwa tša bohle bjalo ka setho sa yona; le
- (d) Kgoro e swanetše go beakanya legoratsšhomo la dinamelwa tša tsela la porofensi leo, ka godimo ga dikgontšhi tša temana ya ka tlase ya (a), le tlogo akaretša dipeakanyo tša selegae ka go Porofensi.
- (3) Legoratsšhomo la dinamelwa tša tsela la porofensi le swanetše go akaretša peakanyo ya tirelo ya ka gare ga porofensi le maeto a matelele a go kgabaganya diporofensi, leo le swanetšego go golaganywa, mo go swanetšego, le ditirelo tše dingwe tša dinamelwa, mme le tla kgontšha le ditirelo tša gi hirišwa, ditirelo tša bašomi le tša boeti, mme mo mabakeng a dinamelwa tša go kgabaganya diporofensi, seo se swanetše go dirwa ka go ikopanya le Molaodi Phethiši wa Porofensi ye nngwe yeo e amegago.
- (4) Bolaodi bja Peakanyo bjo bo hlalošwago ka go karolo ya 26 bo swanetše, ka letšatši leo le beilwego, go dira tsebišo:
- (a) ka Seisemane le ka polelo e tee bonnyane ye nngwe ya semmušo ka go kuranta yeo e balwago lifelong la bolaodi bja peakanyo; le
- (b) go bontšha gore peakanyo yeo e amegago e phethilwe mme e a hwetšagala gore e ka senkwa ke setšhaba mo lefelong leo le bolelwago ka go tsebišo
- (5) Molekgotla Phethiši a ka bea tshepetšo yeo e swanetšego go latelwa go hlohleletša botšeakarolo bja setšhaba mo tshepetsong ya peakanyo ya dinamelwa.
- (6) Tihalošo ya dipeakanyo tšeo di bolelwago ka go karolwana ya 25(1)(a) go ya go (f) e swanetše go kgotsofatša dinyakwa tša Molao wo, fela Molekgotla Phethiši a ka nna a fetola dinyakwa tša dipeakanyo tšeo, ka mokgwa wo o beilwego, mabapi le mafelo a dinagamagae ka go Porofensi.

Bolaodi bja Peakanyo

26 (1) dipeakanyo tšeo di hlalošwago ka go karolo ya 25(1)(d), (e) le (f), di swanetše go lokišwa ke bolaodi bjo bo latelago, bjo bo tla tsebegago bjalo ka bolaodi bja peakanyo, go ya ka karolwana ya (4) le (5), mme dipeakanyo tše di ka fapana go ya ka bolaodi bja peakanyo bja dinagamagaeng ntle le bjo bo nago le ditirelo tša dinamelwa tša bohle tšeo di amogelago thušo ya ditšhelete:

- (a) bolaodi bja tša dinamelwa, go ya ka mafelo a bjona a dinamelwa;
- (b) ditoropokgolo, go ya ka mafelo a tšona a dinamelwa tša metropolitene, le
- (c) mebasepala e mengwe, yeo e sa akaretšwego ka go lefelo la taolo ya toropokgolo goba bolaodi bja tša dinamelwa mme e le gore bo kgopetšwe bjalo ke Molekgotla Phethiši.
- (2) (a) Bolaodi bja peakanyo bo ka tsenela kwano le bolaodi bja peakanyo bo fe goba bo fe goba Kgoro go thuša ka tiragatšo ya mešomo go ya ka karolo ye; le

- (b) Kwano ye bjalo ga e tloše maikarabelo a bolaodi bja taolo a mešomo yeo e bo filwego go ya ka karolo ye.
- (3) Bolaodi bjo bongwe le bjo bongwe bja taolo bo swanetše go iša dipeakanyo tšeo di lebanego tša taolo go lekgotla mme bo dire ditšhišinyo go lekgotla leo ka ga phetolelo ya dutumelelo ka go dilaesense tša tšhomo, bjalo ka ge go nyakwa ke Seripa sa 9 sa Molao wa Phetogelo wa Bosetšaba wa Dinamelwa tša Tsela.
- (4) Mo go nago le ditirelo tšeo di kgotsofatšago tša dinamelwa tša bohle magareng ga mafelo ao a bapilego a dinamelwa, Molekgotla Phethiši o na le maikarabelo a go beakanya ka tshwanelo ditirelo tšeo, mme o swanetše go netefatša gore ditirelo tšeo di beakantšwe ka tirišano le bolaodi bja peakanyo bjo bo amegago mme di kopabntšwe le dipeakanyo tša bona tša dinamelwa.
- (5) Bolaodi bja tša dinamelwabo ka dira kgopelo go Molekgotla Phethiši gore bo tšee peakanyo ya ditirelo tšeo di hlalošwago ka go karolo ya (4), mme ge ba tšea sephetho sa go dira bjalo, Molekgotla Phethiši swanetše go ela hloko:
- (a) bogolo bjoo ditirelo di dirišwago ka gare ga lefelo la dinamelwa leo le amegago; le
- (b) matla a bolaodi bja tša dinamelwa go rwala maikarabelo a mošomo woo;
- (6) Mabakeng a masepala wa selete bjalo ka ge go hlalošwa ka go Molao wa Mmušo wa Selegae: Dihlangwa tša Masepala, 1998 (Molao wa Nomoro ya 117 wa 1998), masepala yoo le mebasepala yeo e amegago ya selegae di swanetše go dumelelana gore ke e fe ya tšona yeo e swanetšego go lokiša dipeakanyo tšeo di hlalošwago ka go karolo 25(1)(b) go ya go (f).

Legoratšhomo la dinamelwa tša tsela la Porofensi

27. (1) Molekgotla Phethiši o swanetše go lokiša legoratšhomo la dinamelwa tša tsela la porofensi ngwaga ka ngwaga leo le swanetšego:
- (a) go ba la lebaka la mengwaga ye mehlano;
- (b) go ya ka dinyakwa di fe goba di fe tša bosetšhaba, goba ge dinyakwa tšeo tša bosetšhaba di se gona, go ya ka sebopego le diteng tša legoratšhomo la dinamelwa tša tsela la porofensi leo le tšweleditšwego ga mmogo le ditoropokgolo tšeo di amegago le bolaodi bja tša dinamelwa ka go Porofensi; le
- (c) go tseneletšwa go peakanyo ya tšweletšo ya porofensi.
- (2) Legoratšhomo la dinamelwa tša tsela la porofensi la mathomo le swanetše go hlahla dinamelwa tša tsela ka go Porofensi, go akaretšwa kgokagano ya dinamelwa ya ka gare ga porofensi le ya go kgabaganya diporofensi le mellwane ya naga mme Legoratšhomo le fe goba le fe leo le latelago la dinamelwa tša tsela la porofensi le lona le swanetše go akaretša dikakaretšo tša dipeakanyo tša selegae ka gare ga porofensi.
- (3) Legoratšhomo la dinamelwa tša tsela la porofensi le swanetše go išwa go Letona mme le swanetše go felegetšwa ke dikgatišo tša dikwano ka moka mabapi le dinamelwa tša go kgabaganya diporofensi tšeo di rumilwego magareng ga Porofensi le diporofensi tše dingwe.

Direkoto tša ga bjale tša dinamelwa tša bohle

28. (1) Bolaodi bjo bongwe le bjo bongwe bo swanetše gore ka pele ka mo go ka kgonegago ka morago ga go thoma ga Molao wo, fela ka letšatši leo le tla bewago ke Molekgotla Phethiši, bo lokiše rekoto ya ga bjale ya dinamelwa tša bohle ya lefelo la bjona, yeo e swanetšego go ba seripa sa peakanyo ya bjona ya dinamelwa tša bohle mme e be motheo wa tšweletšo ya maanotshepetšo ya dilaesense tša tšhomo, dipeakanyo tša tekatekanyo, dipeakanyo tša dinamelwa tša bohle le dipeakanyo tša dinamelwa tše di kgokaganego.
- (2) Rekoto ya ga bjale ya dinamelwa tša bohle e swanetše go lokišwa go ya ka dinyakwa tše di beilwego ke Molekgotla Phethiši, goba ke Lefona go ya ka matla a ka tlase ga Molao wa Lebaka la Phetogelo wa Dinamelwa tša Tsela wa Bosetšhaba morago ga go ikopanya le ditoropokgolo tše di amegago, bolaodi bja tša dinamelwagoba mebasepala.
- (3) Rekoto yeo ya dinamelwa tša bohle e swanetše go akaretša:
- (a) ditirelo ka moka tše di sepelago ka lenaneo le tše di sa sepelego ka lenaneo tše di šomišwago mo lefelong la bolaodi bja peakanyo, mme go e ela hloko ditirelo tše di yago le go tšwa go mafelo a bolaodi bja peakanyo bja mafelo a boagelani;
- (b) ditlabelotirišwa ka moka tše di lego gona tše di šomišwago lefelong leo le amegago mabakeng a, goba mabapi le ditirelo tša dinamelwa tša bohle tše di hlalošwago ka go temana ya (a), go tee le ditlabelotirišwa tše di tšweletšwago mabakeng ao ka gare ga lefelo leo le amegago.
- (4) Direktoto tša ga bjale tša dinamelwa tša bohle di swanetše go išwa go Molekgotla Phethiši ke bolaodi bja peakanyo e sego ka morago ga letšatši leo le beilwego ka go karolwana ya (1).
- (5) Direktoto tša ga bjale tša dinamelwa tša bohle di swanetše go bewa nakong ngwaga ka ngwaga, mme ge di bewa nakong, bolaodi bja peakanyo bo swanetše go ngwala fase diphetogo tša go fana ka ditirelo tša dinamelwa tša bohle mo mafelong a tšona, go akaretšwa go dumelelwa le go ntšhwa ga dilaesense tša tšhomo le go fetola, go neelana, go fega, go felelwa ke nako, go gogela morago le go phumulwa ga dilaesense tša tšhomo goba ditumelelo ke Lekgotla.

Maanotshepetšo a dilaesense tša tšhomo

29. (1) Bolaodi bja peakanyo bo swanetše go lokiša peakanyo yeo e tsebegago ka la maanotshepetšo a dilaesense tša tšhomo, yeo e swanetšego gore mafelelong e be seripa sa peakanyo ya yona ya dinamelwa tša bohle, go thuša Lekgotla ge le phaela thoko dikgopelo tša dilaesense tša tšhomo go fihlelela tekatekano magareng ga phiwo ya dinamelwa tša bohle le tšhomišo yeo e lebanego ye hlwahlwa.
- (2) maanotshepetšo a dilaesense tša tšhomo a swanetše go swanetše go bontšha molaotshepetšo le maanotshepetšo a bolaodi bja peakanyo mabapi le:
- (a) karolo yeo e bapalwago ke lefelo le lengwe le le lengwe la dinamelwa le go bona mafelo a tsela a lego kaone ka lefelong, go akaretšwa dinamelwa go ya le go tšwa mafelong a bolaodi bjo bongwe bja peakanyo, le dinamelwa tša go kgabaganya diporofensi;
- (b) mabaka ao ka tlase ga wona dilaesense tša tšhomo goba ditumelelo tše di dumelelago go šoma ka dinamelwa tša bohle ka gare ga seripa sa lefelo la wona, a swanetše go dumelelwa;

- (c) tšhomišo ya ditlabele tša dinamelwa tša bohle ka gare ga lefelo;
 - (d) go efoga phegišano ya go senya magareng ga bao ba šomago ka dinamelwa;
 - (e) go ruma dikontraka tša tirelo ya kgwebo ya ditirelo tšeo di fiwago thušo ya ditšhelete; le
 - (f) mabaka ao a swanetšego go bewa ke lekgotla mabapi le dilaesense tša tšhomo.
- (3) maanotshepetšo a dilaesense tša tšhomo a swanetše go ya ka dinyakwa tšeo di beilwego.
- (4) (a) maanotshepetšo a dilaesense tša tšhomo a swanetše go, go ya ka temana ya (b), fiwa Molekgotla Phethiši gore a dumelelwe, le
- (c) ge a efa tumelelo yeo, Molekgotla Phethiši o swanetše go ela hloko mekgwatshepetšo, merero ya tša ditšhelete yeo e amago porofensi, molaotshepetšo wa porofensi le mekgwa, dinamelwa go kgabaganya mellwane ya mafelo a bolaodi bja peakanyo, dinamelwa tša go kgabaganya diporofensi le merero ye mengwe yeo e kgontšhwago ka go melao ya porofensi.
- (5) Mo go se nago peakanyo ya dinamelwa tša bohle, bolaodi bja peakanyo bo swanetše go netefatša gore maanotshepetšo a dilaesense tša tšhomo a beilwe nakong ka dinako tšohle mme a hlakantšhwa bonnyane ga tee ka ngwaga dikgweding tše pedi morago ga go ruma rekoto ya dinamelwa tša bohle, goba ka letšatši leo leo le tlogo go bewa ke Molekgotla Phethiši ka tsebišo ka go Kasete ya Porofensi.

Dipeakanyo tša tekatekanyo

- 30 (1) Ge e le gore go ya ka kontraka goba tumelano ya tirelo yeo e hwetšago thušo ya ditšhelete go šišinywa gore tirelo ya dinamelwa tša bohle e tšwetšwe pele ka morago ga go felelwa ke lebaka la yona, bolaodi bja peakanyo bjoo lefelong la bjona tirelo e fiwago bo swanetše go lokiša peakanyo ya tekatekanyo, yeo e swanetšego go:
- (a) ba seripa sa peakanyo ya bjona ya dinamelwa tša bohle;
 - (b) dirwa pele tirelo yeo e tlo fiwago go ya ka kontraka ya tirelo yeo e thušwago ka ditšhelete e beiwa go thentara ya batho bohle; le
 - (c) go ele hloko tšeo di latelago:
 - (i) tekatekanyo ya ditirelo tšeo di hwetšago thušo ya ditšhelete ka gare le magareng ga mafelo;
 - (ii) go bona gore ke kae le gore ke go fihla kae mo thušo ya tšhelete e ka lefelwago gona;
 - (iii) tekatekanyo ya ditirelo tšeo di hwetšago thušo ya ditšhelete go kgabaganya mellwane ya bolaodi bja peakanyo le mabapi le dinamelwa go kgabaganya porofensi;
 - (iv) go fokotša maemo a thušo ya ditšhelete;
 - (v) go fokotša phadišano magareng a ditirelo tšeo di hwetšago thušo ya ditšhelete;
 - (vi) go hlama dikontraka tša ditirelo tšeo di hwetšago thušo ya ditšhelete goba ditumelelo ka mokgwa wo go ka gokwago phegišano yeo e kgotsofatšago ya bathentari ba maleba;
 - (vii) go netefatša gore ditsela le dikgokaganano tša ditsela di šomišwa ka botlalo go kgotsofatša dinyakwa tša banamedi ka tsela ye hlwahlwa; le
 - (viii) go sepetša tšweletšo ya ka moso ya lenaneo leo le kgokaganego la dinamelwa tša bohle.
- (2) Peakanyo ya tekatekanyo e swanetše go ba le tšeo di latelago:
- (a) diphetogo tšeo di šišintšwego go ditsela tšeo di lego gona goba dikgokaganano;

- (b) diphetogo tšeo di šišintšwego go sekgoba sa go rwala banamedi sa tirelo yeo e šomago tseleng goba dikgokagano;
 - (c) molaotshepetšo wo o šišintšwego go hlama dikontraka goba ditumelelo tša phadišano ya go thentara;
 - (d) lefoko leo le bontšhago ditlamorago tšeo di ka bago gona tša tekatekanyo go mafelo ao a fapanego a dinamelwa;
 - (e) pontšho ya kaonafalo yeo e tla hlolwago go hola banamedi; le
 - (f) pontšho ya mapheko ao a ka bonelwago pele mabapi le tiragatšo ya peakanyo yeo, le maanotshepetšo ao šišintšwego go mekamekana le wona.
- (3) Dipeakanyo tša tekatekanyo di swanetše go ya ka dinyakwa tšeo Molekgotla Phethiši, goba Letona, go ya ka matla ka tlase ga Molao wa Diphetogelo tša Dinamelwa tša Tsela wa Bosetšhaba, ba ka di beago.
- (4) Dipeakanyo tša tekatekanyo di swanetše go išwa go Molekgotla Phethiši gore di dumelelwe, tumelelo yeo e swanetšego go tswalana fela le merero yeo e boletšwego ka go karolo ya 29(4)(b).
- (5) Ge go se na eakanyo ya dinamelwa tša bohle, bolaodi bja tša dinamelwabjo bo fanego ka thušo ya ditšhelete go ditirelo tša dinamelwa tša bohle bo swanetše go netefatša gore peakanyo ya tekatekanyo e a lokišwa goba e bewa nakong mme e išwa go Molekgotla Phethiši bonnyane ga tee ka ngwaga dikgweding tše nne tša go fetša rekoto ya bjona ya ga bjale ya dinamelwa tša bohle, goba ka letšatši leo le beilwego ke Molekgotla Phethiši ka go Kasete ya Porofensi.

Dipeakanyo tša dinamelwa tša bohle

31. (1) Bolaodi bja peakanyo bo swanetše go, ka letšatši leo le beilwego ke Molekgotla Phethiši, lokiša peakanyo ya dinamelwa tša bohle ka malebiša a go hwetša le go bontšha ditirelo tša dinamelwa tša bohle tšeo bo bego bo swanetše go ba bo fane ka tšona go ya ka merero yeo e bolelwago ka go karolo ya 28(3)(a) le (b).
- (2) Peakanyo ya dinamelwa tša bohle e swanetše go lokišwa ka malebiša a gore tšweletša le go diragatša kgokagano ya ditirelo tša dinamelwa tša bohle mme e swanetše go ba le tšeo di latelago:
- (a) ponelopele ya bolaodi bja peakanyo, malebiša le maikemišetšo a dinamelwa tša bohle mo lefelong la yona;
 - (b) maanotshepetšo a bolaodi bja peakanyo go:
 - (i) dinyakwa tša baithuti le batho bao ba nago le bogole; le
 - (ii) mananeo a kgokagano ya mafelo le ditefelo a dinamelwa tša bohle, ditefelo tšeo di nago le ditefelo le maemo ao a beakantšwego le thekenolotši; le
 - (c) setho sa tšhomo seo, se akaretšago:
 - (i) dokgontšho tša peakanyo ya tekatekanyo ya ditirelo tša kontraka le ditumelelo; le
 - (ii) maanotshepetšo a laesense ya tšhomo ya dinamelwa ka moka tša batho bohle tšeo di sa akaretšwago ka go temananyana ya (i).
- (6) (3) Dipeakanyo tša dinamelwa tša bohle di swanetše go ya ka dinyakwa le ka mkgwa le sebopego seo se beilwego ke Molekgotla Phethiši goba Letona, go

ya ka matla ka tlase ga Molao wa Diphetogelo tša Dinamelwa tša Tsela wa Bosetšhaba.

- (7) Dipeakanyo tša tekatekanyo di swanetše go išwa go Molekgotla Phethiši gore di dumelelwe, tumelelo yeo e swanetšego go tswalana fela le merero yeo e boletšwego ka go karolo ya 29(4)(b).
- (8) bolaodi bjo bongwe le bjo bongwe bja peakanyo bo swanetše go netefatša gore peakanyo ya dinamelwa tša batho bohle e bewa nakong bonnyane ga tee ka ngwaga ka letšatši leo le beilwego ke Molekgotla Phethiši ka tsebišo ka go Kasete ya Porofensi.

Dipeakanyo tša dinamelwa tšeo di kgokaganego

32. (1) Bolaodi bja peakanyo bo swanetše go beakanya le go iša go Molekgotla Phethiši ngwaga ka ngwaga ka letšatši leo le beilwego ke Molekgotla Phethiši, peakanyo ya dinamelwa tšeo di kgokaganego go ya karolwana ya (2) ya lefelo la bjona ya lebaka la mengwaga ye mehlano go thoma ka letšatši la mathomo la ngwaga wa ditšhelete.

(2) Peakanyo ya dinamelwa tšeo di kgokaganego e swanetše go hlama ponelopele ya semmušo, molaotshepetšo le maikemišetšo a bolaodi bja peakanyo tšeo di sepelelanago melaotshepetšo ya bosetšhaba le ya porofensi, mme e gate mošito o tee le peakanyo ya tšweletšo yeo e kgokaganego ya maleba, mme bonnyane e swanetše go:

- (a) bontšha diphetogo tša bolaodi bja peakanyo ka go melaotshepetšo ya dinamelwa tša tsela le maanotshepetšo go tloga ngwaga wo o fetilego wa lenaneo la mengwaga ye mehlano;
- (b) akaretša dintlha tšeo di swanetšego go:
- (i) bontšha ka tatelano, diporotšeke le dikgao tša porotšeke tšeo di tla diragatšwago lebakeng leo la mengwaga mehlano, le boleng bja porotšeke ye nngwe le ye nngwe; le
- (ii) gore e ikemišetše ka go ela hloko dipeakanyo tšeo di amegago tša tšweletšo yeo e kgokaganego, mo go nyakegago, go nyakega go ya ka molao wa porofensi;
- (c) akaretša mafelo ka moka le ditlabelotirišwa, go akaretšwa ditsela tše mpsha tšeo di fetoišitšwego le ditšweletšwa tša kgwebo tšeo di nago le khuetšo go lenaneo la dinamelwa tša tsela, le dintlha tša dinamelwa tša tsela tša maemafofane le maemakepe;
- (d) akaretša peakanyetšo yeo e nago le dintlha ka moka ya bolaodi bja peakanyo, go akaretšwa le methopo ya phiwo ya ditšhelete, mabapi le dinamelwa tša tsela ya ngwaga woo o amegago wa ditšhelete ka mokgwa wo o beilwego ke Molekgotla Phethiši;
- (e) akaretša peakanyo ya dinamelwa ya bolaodi bja peakanyo;
- (f) bea maanotshepetšo a kakaretšo a taolo ya dinyakwa tša mesepelo;
- (g) fana ka ditlabelotirišwa tša tsela le dinamelwa, dikaonafatšo le maanotshepetšo a tlhokomelo; le
- (h) bea maanotshepetšo a kakaretšo goba peakanyo ya go sepetša thoto yeo e lego kotsi yeo e hlalošwago ka go karolo ya 2(1) ya Molao wa Dithoto tšeo di lego Kotsi, 1973 (Molao wa Nomoro ya 15 wa 1973), ka ditsela tšeo di kgethilwego, go ya ka maanotshepetšo goba peakanyo ka go legoratšhomo la dinamelwa tša porofensi leo le hlalošwago ka go karolo ya 27.
- (3) Peakanyo ya dinamelwa tšeo di kgokaganego e swanetše go ya ka dinyakwa le ka mokgwa le sebopego seo se beilwego ke Molekgotla Phethiši goba Letona, go ya ka matla a ka tlase ga Molao wa Diphetogelo tša Dinamelwa tša Tsela wa Bosetšhaba.

- (4) Peakanyo e swanetše go išwa go Molekgotla Phethiši gore di dumelelwe, tumelelo yeo e swanetšego go tswalana fela le merero yeo e boletšwego ka go karolo ya 29(4)(b).
- (5) Motho ga a swanela go sepetša thoto ye kotsi yeo e hlalošwago ka go karolo ya 2(1) ya Molao wa Dithoto tšeo di lego Kotsi, 1973 (Molao wa Nomoro ya 15 wa 1973), ka lefelong la bolaodi bja peakanyo ntle le ge e le tseleng yeo e beilwego ka go temana ya (h) ya karolwana ya (2), mo tsela yeo e beilwego mme ya tsebagatšwa ka tlase ga karolo ya 34(1).
- (6) Motho o fe goba o fe yo a tshelago karolwana ya (5) o tla bonwa molato.

Tumelelo ya diripa tša peakanyo ya dinamelwa ya ditimela tša banamedi

33. Go fihlela ge mošomo wa ditimela tša banamedi o tlošwa go bošetšhaba go išwa go lefapha le lengwe la mmušo, dipeakanyo tša dinamelwa tšeo di hlalošwago ka go karolo ya 25(1)(a) go ya go (f) di swanetše go išwa go Letona gore go dumelelwe dipeakanyo tše bjalo tša seripa sa ditimela tša banamedi, ka gare ga mokgwa le nako yeo beilwego.

Tsebagatšo ya dipeakanyo tša dinamelwa le diphetogo tšeo di bonagalago ka go tšhomišo ya naga le ditlabelotirišwa tša dinamelwa tša bohle le ditirelo.

34. (1) Ge go dumelelwa legoratšhomo la dinamelwa tša tsela la porofensi, peakanyo ya dinamelwa tša bohle, goba peakanyo yeo e kgokaganego, Molekgotla Phethiši goba bolaodi bja peakanyo, ka moo go ka bago ka gona, o swanetše go tsebagatša, ka gare ga Kasete ya Porofensi, dintlha tšeo di beilwego tša dipeakanyo tšeo, tšeo di swanetšego go akaretša tša ditsela tšeo di beilwego ka tlase ga karolo ya 32(2)(h).

(2) Batho ka moka go tee le Mmušo le ditlhangwa tša diparaseteitale, makalatiro le dišomišwa di tlangwa ke dikgontšhi tša dipeakanyo tšeo di tsebagaditšwego ka tlase ga karolwana ya (1), le gore:

- (a) ga go diphetogo tšeo di bonagalago goba tšhomišo ya naga yeo e tseneletšego mo lefelong le fe goba le fe tšeo di ka dirwago ntle le tumelelo yeo e ngwetšwego ya bolaodi bja peakanyo bjo bo amegago;
 - (b) ditšweletšo mo lefelong ka gare ga lefelo la dinamelwa di godimo ga tshekaseko ya ditlamorago tša sephethephethe mme tshekaseko ya sephethephethe e bewa ke Molekgotla Phethiši;
 - (c) mo ditlabelotirišwa tše mpsha tšeo di kaonafaditšwego goba ditirelo di šišintšwego ka gare ga tshekaseko yeo ya ditlamorago tša sephethephethe goba tshekaseko ya dinamelwa tša bohle, tefelo ya seo e swanetše go dirwa bjalo ka ge go beilwe ke bolaodi bja peakanyo bjo bo amegago; le
 - (d) gore ga go legato leo le ka tšewago leo le tla bago le ditlamorago tša go fokotša ka mo go bonagalago bontši le go ba gona ga ditlabelotirišwa tša dinamelwa tša tsela goba ditirelo, ntle le ge mong naga yeo ditlabelotirišwa di lego go yona, goba mong laesense ya tšhomo, ka mo go ka bago ka gona, a tsebišitše bolaodi bja peakanyo ka go ngwala e sego ka tlase ga matšatši a 30 pele ga go tšea magato.
- (3) Ntle le molao wo o lego kgahlanong le seo, bolaodi bjo bo nago le maikarabelo a go dumelela diphetogo tšeo di bonagalago goba tšhomišo ya naga yeo e tseneletšego

mo tšhomišong ya lefelo goba ditšhišinyong tša tšweletšo bjo bo amogelago kgopelo ya diphetogo tšeo goba tšhomišo, bo swanetše go:

- (a) matsatšing a 14 mola bo amogelago kgopelo yeo le pele ga go ela šedi goba go tšea sephetho ka ga kgopelo yeo, iša kgopelo yeo go bolaodi bja peakanyo bjo bo amegago go e sekaseka le go bona senka ditlamorago tša kgopelo yeo go peakanyo ya dinamelwa le ditirelo tša dinamelwa tša bohle; le
 - (b) netefatša gore kgopelo yeo e felegetšwa ke tshekaseko ya ditlamorago tša sephethephethe yeo e nyakegago lemme tshekaseko ya dinamelwa tša bohle, mme e na le tshedimošo ka botlalo go bolaodi bjoo go ka sekaseka le go bona ditlamorago tša kgopelo yeo go peakanyo ya dinamelwa le ditirelo.
- (3) Bolaodi bja peakanyo bo swanetše, matsatšing a 28 go:
- (a) dumela goba go gana kgopelo ya phetolo goba tšhomišo ya naga goba tšhišinyo ya tšweletšo yeo e tlišitšwego go ya ka karolwana ya (3); le
 - (b) iša sephetho sa bjona ka go ngwala le kganetšo e fe goba e fe ya kgopelo yeo, go akaretšwa ditšhupetšo le magora a go obamela dipeakanyo tša dinamelwa, go bolaodi bjoo go ka tlase ga molao bo filwego maikarabelo a go sekaseka kgopelo.
- (5) Bolaodi bjo bo filwego maikarabelo a go sekaseka kgopelo ya go fetola goba go šomiša ka go tšhomišo ya naga goba tšweletšo ya yona bo ka nna bja se dumelele kgopelo yeo:
- (a) pele ga letšatši la mafelelo la lebaka la matsatši a 28 ao a hlalošwago ka go karolwana ya (4); goba
 - (b) e lego kgahlanong le ditšhupo tša goba magora ao a nyakwago ke bolaodi bja peakanyo bjalo ka ge go hlalošwa ka go karolwana ya (4)(b), ntle le ge ditšhupo goba magora a bolaodi bja peakanyo di fetotšwe ke lekgotla la tšweletšo go ya ka karolwana ya (6).
- (6) Mo motho o fe goba o fe a ngongorega ka sephetho se fe goba se fe sa bolaodi bja peakanyo go ya ka karolo ye, motho yoo a ka dira tshenkoleswa kgahlanong le sephetho go setho seo se amegago sa tshekoleswa e ka ba go lekgotla la tšweletšo leo le hlametšwego porofensi ka tlase ga Molao wa Mmušo wa Selegae: Mananeo a Masepala, 2000 (Molao wa Nomoro ya 32 wa 2000), goba go tloša molaotherwa wa porofensi, goba setho se fe goba se fe sa tshekoleswa seo se hlamilwego go ya ka molaotherwa wo o amegago, ka mokgwa le ka gare ga nako yeo e beilwego.
- (7) Ntle le dikgontšhi di fe goba de fe ka go Molao wa Retšisetara ya Titi, 1937 (Molao wa Nomoro ya 47 wa 1937), goba molao o fe goba o fe, magora ao a beilwego go ya ka karolwana ya (4)(b) a swanetše go tsenywa ka retšisetareng goba a dumelelwa go sepelelana le thaetlele titi.
- (8) Ntle le dikgontšhi di fe goba di fe tšeo di lego kgahlanong le Molao wa Retšisetara ya Titi, 1937 (Molao wa Nomoro ya 47 wa 1937), goba molao o fe goba o fe, mongwadiši wa dititi a ka, ka tumelelo yeo e ngwetšwego ya bolaodi bja peakanyo, phumula legora le fe goba le fe leo le, go ya ka karolwana ya (7) tsentšwego ka go titi ya neelano goba le beilwe ka gare ga thaetlele titi.
- (9) Motho mang goba mang yo a thomago tšweletšo yeo e tla amago phetogo goba tšhomišo ya naga goba ditšhišinyo tša tšweletšo ntle le tumelelo ya bolaodi bja peakanyo ka tlase ga karolo ye, goba kgahlanong le legora leo le beilwego ke bolaodi bjoo, o tla bonwa molato mme ge a golegilwe o tla lebanwa ke tefišo goba kgolego ya lebaka leo le sa fetego dikgwedi tše tshela.

- (10) Mo moago goba sehlangwa se agilwego ntle le tumelelo ya bolaodi bja peakanyo mo mabakeng ao e lego gore tumelelo e be e swanetše go ba e hweditšwe ka tlase ga karolo ye, bolaodi bja peakanyo bjo bo amegago bo ka kgopela taelo go kgorokgolo ya tsheko yeo e nago le matla go gapeletša mong wa thoto go agolla goba go tloša moago oba sehlangwa ka ditshenyegelo tša gagwe, goba go fa bolaodi matla a go dira seo mme bja kgopela ditshenyegelo tšeo di amegago go mong, goba go dira taelo e fe goba e fe yeo Kgoro e tla bonago e swanetše.

KGAOLO YA 11

MMUŠO WA MOHLAKANELWA**Foramo ya dinamelwa ya kopanelo ya Gauteng**

35. (1) Molekgotla Phethiši a ka re ka tsebišo ka go Kasete ya Porofensi a hlama Foramo ya dinamelwa ya kopanelo ya Gauteng yeo Molekgotla Phethiši a tlogo go ba modulasetulo

(2) Molekgotla Phethiši a ka thwala maloko a foramo yeo ka mokgwa wo o beilwego, yeo e nago le baemedi mmušo wa selegae le wa porofensi, le maloko a mangwe bjalo ka ge go beilwe.

(3) maikemišetšo a foramo ke go boledišana ka molaotshepetšo wa dinamelwa le ditlhokego ka go Porofensi ka go:

- (a) hlama le go hlokomela foramo yeo e šomago go ikopanya le baemedi ba selegae le porofensi; le
 - (b) go potlakiša temogo ya ditlhokego le go fa tšhupatsela ya molaotshepetšo ka ga peakanyo le go fana ka ditlabelotirišwa tša dinamelwa le ditirelo ka go Porofensi.
- (4) Ntle le karolwana ya (3), melawana e ka gapeletša malebiša a koketšo goba maikemišetšo a Foramo yeo, ya hlaloša goba ya fetola malebiša ao.
- (5) Go šoma ga Foramo yeo le tshepetšo ka go dikopano tša yona go tla ba ka mokgwa wo go beilwego.
- (6) Hlogo ya Kgoro e swanetše go, go ya ka melao yeo e laolago ditirelo tša setšhaba, fana ka bašomi bao ba nyakegago go thuša Foramo yeo go phethagatša mešomo ya yona.

Komiti ya Kgokaganoya Dinamelwa

36. (1) Molekgotla Phethiši a ka re ka tsebišo ka go Kasete ya Porofensi a hlama Komiti ya Kgokaganoya Dinamelwa yeo Hlogo ya Kgoro e tla bago modulasetulo.

(2) Molekgotla Phethiši a ka thwala maloko a Komiti ka mokgwa wo o beilwego, yeo e nago le bahlankedi ba Kgoro, bolaodi bja tša dinamelwa, ditoropokgolo, mebasepala, Kgoro ya Bosetšhaba ya tša Dinamelwa, dikgoro tše dingwe tša Mmušo wa Porofensi ya Gauteng le batšeakarolo ba bangwe bjalo ka ge go beilwe.

(3) Malebiša a Komiti yeo ke go:

- (a) hlama le go hlokomela foramo yeo e šomago ya maloko ao a hlalošwago ka go karolwana ya (2);
- (b) godiša dikgokagano le tšhomišano;
- (c) eletša dikgoro ka ga merero ya seteginiki ya dinamelwa;

- (d) netefatša poledišano le batšeakarolo ba seteginiki;
- (e) fetiša tshedimošo ka ga merero ya mabapi le maanotshepetšo a tšweletšo ya Porofensi mabapi le dinamelwa.

(4) Ntle le karolwana ya (3), melawana e ka gapeletša malebiša goba maikemišetšo a mangwe a Komiti, ya hlaloša goba ya fetola malebiša ao.

(5) Go šoma ga Komiti le tšhepetšo ka go dikopano tša yona go tla ba ka mokgwa wo go beilwego, fela e swanetše go kopana bonnyane ga ne ka ngwaga.

(6) Komiti e ka hlama dihlopha tša tšhomo goba dikomiti tša ka tlase, e ka ba tša lebaka ka moka goba tša nako yeo di nyakegago go phethagatša mešomo ye itšeng ka nako ye itšeng, le molaotshepetšo, mešomo le boleloko bja sehlopha seo sa tšhomo le dikomiti tša ka tlase di tla ba ka moo di beilwego.

(7) Hlogo ya Kgoro e swanetše go, go ya ka melao yeo e laolago ditirelo tša setšhaba, fana ka bašomi bao ba nyakegago go thuša Komiti yeo go phethagatša mešomo ya yona.

Sebopego sa peakanyo ya mohlakanelwa

37 Molekgotla Phethiši a ka, ka tšhomišano le ditoropokgolo, bolaodi bja tša dinamelwa le mebasepala yeo e nago le maikarabelo a go beakanya dinamelwa go ya ka Molao wo, hlama sebopego sa peakanyo ya mohlakanelwa go šoma ka peakanyo ya go swana ya merero ya dinamelwa mo diporofensing ka bophara.

KGAOLO YA 12

DIKGONTŠHI KA KAKARETŠO

Diphumulo

38. (1) Molao wo o phumula Molao wa Legoratšhomo la Dinamelwa wa Gauteng, 1998 (Molao wa Nomoro ya 8 wa 1998).

(2) Molao wo o ema legatong la dikarolo tša 63 go ya go 76 tša Temana ya 3: Molao wa Merero ya Dikelohloko tša Porofensi wa Phetogelo ya Dinamelwa tša Tsela tša Bosetšhaba.

(3) Dikarolo tša 24 go ya go 34 tša Molao wo di tla fela ka letšatši la go thoma ga Seripa sa 7 sa Molao wa Phetogelo ya Dinamelwa tša Tsela tša Bosetšhaba.

Melato le dikotlo

39. (1) Tlolo ya ye nngwe le ye nngwe ya dikgontšhi tša Molao wo le Melawana e hlagiša molato.

(2) Motho mang goba mang yo a golegwago ka molato ka tlase ga Molao wo o tla lebanwa ke tefišo yeo e sa fetego R100 000 goba kgolego ya lebaka leo le sa fetego mengwaga ye lesome goba bobedi tefišo le kgolego, ntle le ge seripa se se itšeng sa Molao wo se bontšha ka mokgwa wo mongwe goba Molekgotla Phethiši a bea kotlo ye nngwe goba magoro a dikotlo mabapi le dikarolo tša Molao wo.

Pofego ya Mmušo

40. Ntle le ka mokgwa wo go beilwego goba ka moo go bontšhwago ke dikgontšhi tša Molao wo, dikgontšhi tša Molao wo le melawana le dinyakwa tšeo di beilwego di tla bofa Mmušo.

Thaetlele ye kopana le mathomo a tiragatšo

41 (1) Molao wo o bitšwa Molao wa Tshenkoleswa wa Legotatšhomo la Dinamelwa wa Gauteng, 2002 mme o tla tsenywa tirišong ka letšatši leo le tla bewago ke Mopremiya ka tsebagatšo ka go Kasete ya Porofensi.

(2) Ditemana tšeo di fapanego goba dikarolo tša Molao wo di ka tsenywa tirišong ka matšatšo ao a fapanego, goba go ya ka mafelo ao a fapanego.

MEMORANTAMO WA DITLHALOŠO KA GA MALEBIŠA A MOLAOKAKANYWA WA TSHENKOLESWA WA LEGOTATŠHOMO LA DINAMELWA WA GAUTENG, 2001**1. Mabaka a Molaokakanywa**

- (4) Molaokakanywa wa Tshenkoleswa wa Legoratšhomo la Dinamelwa wa Gauteng o bea lenaneo la peakanyo ya dinamelwa la Gauteng go akaretšwa mešomo ya Molekgotla Phethiši mabapi le dinamelwa, mešomo le matla a bolaodi bja tša dinamelwa, ditšhelete tša ditoropokgolo le bolaodi bja dinamelwa. Tšwalalanyo ya bolaodi bjoo, bolaodi phethiši bja dinamelwa, dikgontšhi tša go fapana tša peakanyo ya dinamelwa le dikarolo tše mmalwa ka ga pušo ya mohlakanelwa ka go merero ya dinamelwa. Molaokakanywa wa Tshenkoleswa wa Legoratšhomo la Dinamelwa wa Gauteng o phumula Molao wa Legoratšhomo la Dinamelwa wa Gauteng, 1998 (Molao wa Nomoro ya 8 wa 1998), wo mathomong o thadilwego go akaretša merero ya porofensi yeo go nyakwago gore e sepelelane le molaotherwa wa dinamelwa tša tsela tša bosetšhaba wo o bego o beakanywa ka nako yeo. Molaokakanywa wa Tshenkoleswa wa Legoratšhomo la Dinamelwa wa Gauteng o thadilwe go ela šedi Molao wa Phetogelo ya Dinamelwa tša Tsela wa Bosetšhaba, 2000 (Molao wa Nomoro ya 22 wa 2000), wo o dumelelago Temana ya 3: Molao wa Merero ya Dikelohloko tša Porofensi gore o dulwe legatong ke molaotherwa wa maleba wa porofensi. Molaokakanywa wa Tshenkoleswa wa Legoratšhomo la Dinamelwa wa Gauteng o tla dumelela lenaneo la porofensi la dinamelwa gore le beakanywe ka mokgwa wo mobotse mme o tla netefatša gore bolaodi bja tša dinamelwabo a hlanguwa mo bolaodi bja selegae bo bonago go swanetše.

3 TŠA DITŠHELETE TŠA MOLAOKAKANYWA

Bjalo ka ge Molaokakanywa o tlaleletša Molao wa Phetogelo ya Dinamelwa tša Tsela wa Bosetšhaba, 2000, ga o hlagiše ditshenyegelo tša tšhelete tša koketšo.

4. DITSHWAETŠO TŠEO DI AMOGETŠWEGO MME TŠA FIWA ŠEDI

Dikakanyo tše dintši ka go Molaokakanywa wa Tshenkoleswa wa Legoratšhomo la Dinamelwa wa Gauteng, di ahlaahlilwe ka go Komiti ya Kgoakagano ya Dinamelwa ge Molao wa Legoratšhomo la Dinamelwa wa Gauteng o tšweletšwa. Ka mo go ka kgonegago, dikakanyo tše di bontšhitšwe ka go Molaokakanywa wa Tshenkoleswa wa Legoratšhomo la Dinamelwa wa Gauteng mme dikgontšhi tše dintši di šetše di ahlaahlilwe bjalo ka ge Molao wa Phetogelo ya Dinamelwa tša Tsela tša Bosetšhaba, 2000 o be o thalwa.

5. TLHALOŠO LEFOKO KA LEFOKO

Lefoko la 1: Lefoko le le na le ditlhalošo.

Lefoko la 2: Lefoko le le hlaloša tswalano magareng ga Molao wo le Molao wa Phetogelo ya Dinamelwa tša Tsela wa Bosetšhaba, 2000 (Molao wa Nomoro ya 22 wa 2000).

Lefoko la 3: Lefoko le le na le dintlha tšeo di kwagalago tša matla a Molekgotla Phethiši wa Dinamelwa tša Bohle, Ditsela le Mešomo.

Lefoko la 4: Molekgotla Phethiši wa Dinamelwa tša Bohle, Ditsela le Mešomo. O swanetše go diragatša mešomo yeo e beilwego ka go lefoko le.

Lefoko la 5: Lefoko la 5 le dumelela Molekgotla Phethiši go laela mošomo goba go fana ka matla a fe goba a fe goba mošomo wo a o filwego go toropokgolo e fe goba e fe, bolaodi bja tša dinamelwa goba Hlogo ya Kgoro, ntle le matla a go dira melawana

Lefoko la 6 Molekgotla Phethiši a ka dira melawana go ya ka magoro ao a fapanego ao a bontšhwago ka tlase ga lefoko le

Lefoko la 7 Lefoko le le netefatša gore Molao wa Dinamelwa tša Metsesetoropong, 1977 (Molao wa Nomoro ya 78 wa 1977) o tšwela pele ka go diragatswa ka go Porofensi.

Lefoko la 8 Lefoko le le dumelela bolaodi bja tša dinamelwa go hlangwa mo mafelong a dinamelwa go e ya ka magora a gore bo obamele Molaokakanywa wa Tshenkoleswa wa Legoratšhomo la Dinamelwa wa Gauteng, Molao wa Phetogelo ya Dinamelwa tša Tsela wa Bosetšhaba le Molao wa Mmušo wa Selegae: Dihlangwa tša Masepala, 1998.

- Lefoko la 9 Bolaodi bja tša dinamelwa bo ka tsebagatšwa ge go rumilwe dikwano tša boikhweletšo tšeo di boletšwego ka go Molao wa Phetogelo ya Dinamelwa tša Tsela wa Bosetšhaba, 2000.
- Lefoko la 10 Lefoko le le bea dinyakwa tša kwano ya go ikhweletša tša bolaodi bja tša dinamelwa.
- Lefoko la 11 Lefoko le le bontšha matla a bolaodi bja tša dinamelwa.
- Lefoko la 12 Lefoko le le bontšha matla a tlaleletšo a bolaodi bja tša dinamelwa
- Lefoko la 13 Mekgwa ya go laola ya bolaodi bja tša dinamelwa e bontšhwa ka go efoko le.
- Lefoko la 14 Ditšhelete tša ditropokgolo di netefatšwa e le tšeo di sepetšwago go ya ka Molao wa Dinamelwa tša Metsesetoropo, 1977.
- Lefoko la 15 Ditšhelete tša bolaodi bja tša dinamelwa di ahlaahlwa ka go lefoko le.
- Lefoko la 16 Lefoko le le bontšha ka moo bolaodi bja tša dinamelwa bo ka hwetšago kadimo ya tšhelete ka tumelelo ya Molekgotla Phethiši.
- Lefoko la 17 Lefoko le le dumelela toropokgolo goba masepala go dira molao wa ka gare go ya ka peakanyo yeo e dumeletšwego ya kgokagano ya dinamelwa.
- Lefoko la 18 Lefoko le le dumelela Molekgotla Phethiši go dira tšewo go tšwetša pele maikemišetšo a Molao wo go ya ka magoro ao a fapanego.
- Lefoko la 19 Lefoko le le akaretša mekgwa ya go šwalalanya bolaodi bja tša dinamelwa
- Lefoko la 20 Lefoko le le dumelela bolaodi phethiši bja dinamelwa go hlangwa go ya ka kwano ya go ikhweletša ya bolaodi bja tša dinamelwa go mekamekana le merero ye mmalwa go akaretšwa mošomo wa seporofešenale, seteginiki, taolo le mešomo ye mengwe yeo e lego mabapi le bolaodi bja tša dinamelwa.
- Lefoko la 21 Bolaodi bja tša dinamelwabo tee goba a mabedi go ya ka lefoko ba ka hlama bolaodi Phethiši bja mohlakanelwa.
- Lefoko la 22 setho sa taolo sa bolaodi bja tša dinamelwa se ka fana ka matla a itšeng le mešomo go ya ka lefoko le.
- Lefoko la 23 Lefoko le le fokotša matla ataelomošomo a setho sa taolo sa bolaodi bja tša dinamelwa.

- Lefoko la 24 Lefoko le le bontšha ka mokwa woo dinamelwa le peakanyo ya tšhomišo ya naga di swanetšego go golaganywa go ya ka Molao wo.
- Lefoko la 25 mehuta yeo e fapanego ya dipeakanyo tšeo di nyakegago go ya ka Molao wo di bontšhwa mo lefoko le.
- Lefoko la 26 Lefoko le le netefatša gore bolaodi bja peakanyo le bjona bo thale dipeakanyo tša go fapana tšeo di nyakegago.
- Lefoko la 27 Legoratšhomo la dinamelwa la porofensi le swanetše go beakanywa ke Molekgotla Phethiši wa Dinamelwa tša Bohle, Ditsela le Mešomo go ya ka lefoko le.
- Lefoko la 28 Bolaodi peakanyo go ya ka lefoko le bo swanetše go beakanya direkoto tša ga bjale tša dinamelwa tša bohle.
- Lefoko la 29 Maanotshepetšo a dilaesense tša tšhomo a swanetše go beakanywa ke bolaodi bja peakanyo go ya ka lefoko le
- Lefoko la 30 Dipeakanyo tša tekatekanyo tša ditirelo tša dinamelwa tša bohle tšeo di diragatšwago go ya ka thušo ya tšhelete ka gare ga taolo ya bolaodi bja peakanyo, di swanetše go lokišwa.
- Lefoko la 31 Bolaodi bja dinamelwa, ditoropokgolo le mebasepala ye mengwe go ya ka lefoko le di swanetše go lokiša dipeakanyo tša dinamelwa tša bohle.
- Lefoko la 32 Bolaodi bja dinamelwa, ditoropokgolo le mebasepala ye mengwe yeo e bontšhitšwego di swanetše go lokiša dipeakanyo tša dinamelwa tšeo di kgokaganago.
- Lefoko la 33 Letona la Dinamelwa le swanetše go dumelela ditho tša dinamelwa tša seporo tša dipeakanyo tša dinamelwa go fihlela mošomo woo o fiwa lefapha la ka tlase la mmušo.
- Lefoko la 34 Dipeakanyo tša dinamelwa le diphetogo tšeo di bonagalago ka go tšhomišo ya naga le ditlabelotirišwa tša dinamelwa le ditirelo di swanetše go tsebagatšwa ka go Kasete ya Porofensi.
- Lefoko la 35 Foramo ya Mohlakanelwa ya Dinamelwa ya Gauteng e hlangwa go ya ka lefoko le.
- Lefoko la 36 Komiti ya Dikgokagano tša Dinamelwa ya Gauteng e hlangwa go ya ka lefoko le.

- Lefoko la 37 Setho sa mohlakanelwa sa peakanyo se ka hlangwa Molekgotla Phethiši, ka tšhomišanommogo le ditoropokgolo, bolaodi bja tša dinamelwa le mebasepala ye mengwe, go šoma ka merero ya peakanyo ya dinamelwa tša mohlakanelwa.
- Lefoko la 38 Lefoko le le hlaloša phumulo ya Molao ye mengwe le go tlošwa ga dikarolo tše dingwe mme gwa bewa tše dingwe legating.
- Lefoko la 39 Lefoko le le dumelela Molekgotla Phethiši go thala melato le go bea dikotlo tša ka godimo tšeo di ka fiwago go ya ka Molao wo.
- Lefoko la 40 Mmušo o bofšwa ke Molao wo.
- Lefoko la 41 Lefoko le le kgontšha thaetlele ye kopana le go tsenywa tirišong ga Molao wo.
-

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The
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HENNIE MALAN

Director: Financial Management
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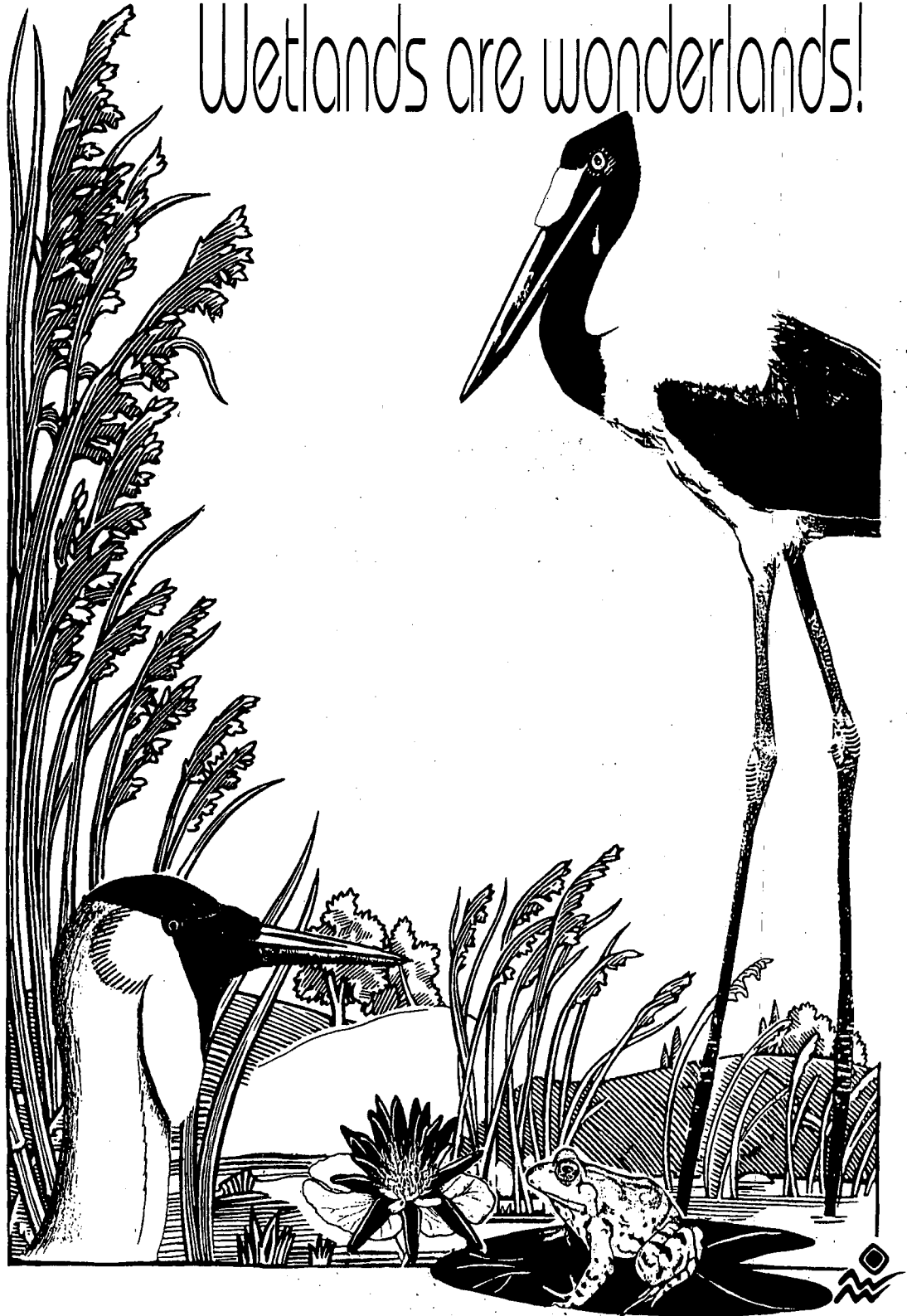
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